This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

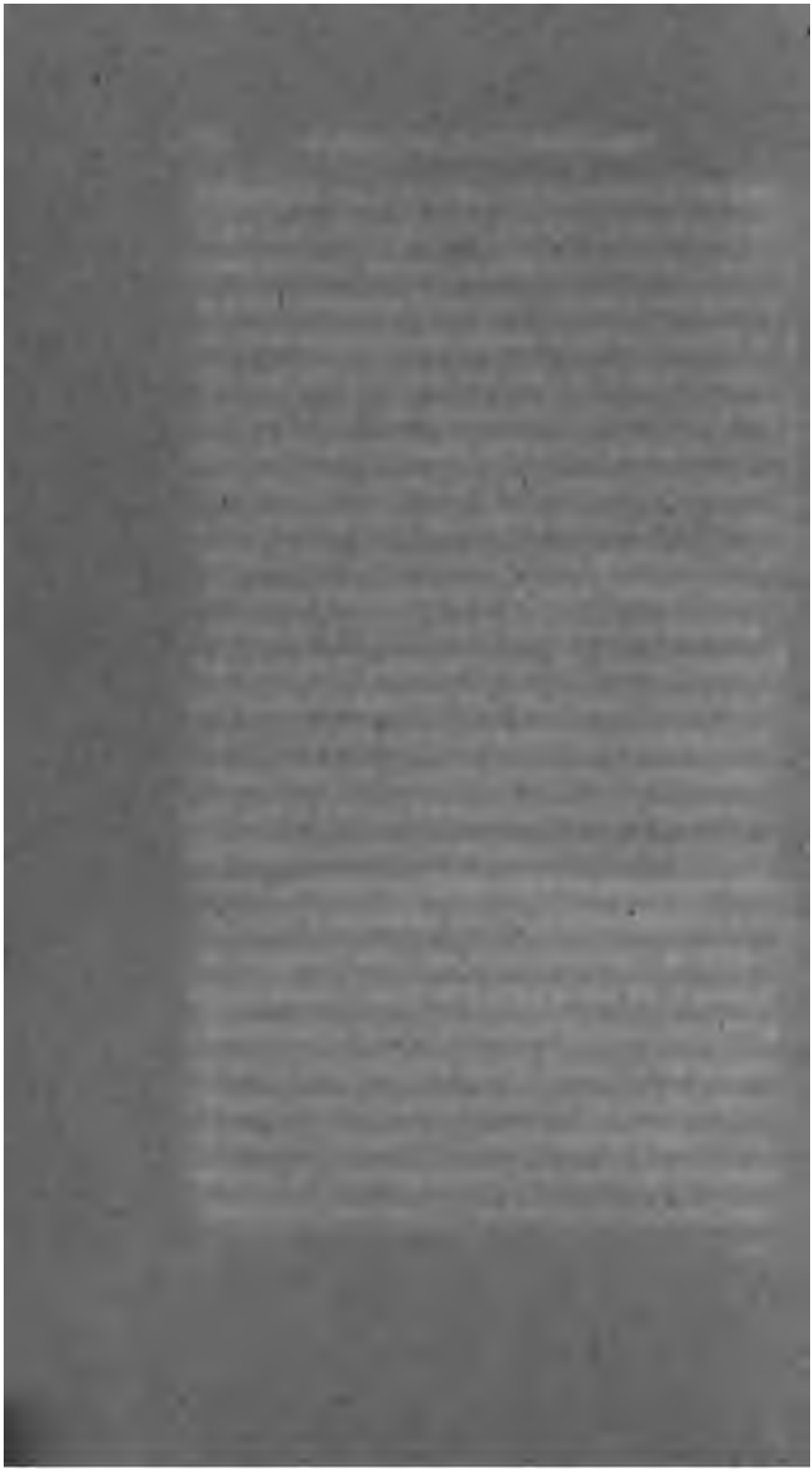
Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

CH LIBRARIES
608139 1

604

The
Gordon Lester Ford
Collection
Presented by his Sons
Worthington Chauncy Ford
and
Paul Leicester Ford
to the
New York Public Library

Burk



THE

WORKS

OF

THE RIGHT HONOURABLE

EDMUND BURKE.

A NEW EDITION.

VOL. XV.

ATION OF SPEECHES ON THE IMPEACHMENT
OF MR. HASTINGS:—REPLY.

London:
PRINTED FOR C. &. J. RIVINGTON,
ST. PAUL'S CHURCH-YARD;
AND WATERLOO-PLACE, PALL-MALL.

1827.

THE NEW YORK
PUBLIC LIBRARY
157663
ASTOR, LENOX AND
TILDEN FOUNDATIONS.
1899.

Luke Hansard & Sons,
near Lincoln's-Inn Fields, London.

TO

HIS MOST CHRISTIAN MAJESTY

CHARLES X^th^,

KING OF FRANCE AND NAVARRE.

SIRE,

YOUR Majesty's most gracious acceptance of a Copy of the Works of Mr. Burke, and your condescension in permitting this last Volume* of those works to be inscribed with your Majesty's name, would alone amply remunerate the Editor for all his pains and labours in preparing them for the press; but he is confident, that your Majesty will concede to him, that the greatest gratification he can derive from his labours is to be found in the reflection, that mankind will be benefitted by the publication of sentiments religious, moral, and political, which will tend to enlighten both Princes and Subjects upon their respective duties.

In presenting to your Majesty this work, may I presume to point out, in a few words, its six principal features.—1st, American Taxation—

2d.

* Vol. VIII. 4to Edition.

2d, A system of Economy in the Public Expenditure, combined with additional security for the Independence of Parliament—3d, East Indian Delinquency—4th, French Revolution —5th, Emancipation of Roman Catholic Subjects of this Kingdom—6th, Abolition of Negro Slavery.

Whilst your Majesty admires the efforts of Mr. Burke's genius both in resisting lawless power, and in correcting popular errors, you will recognise and adore the goodness of that divine Providence, which is, perhaps, in no respect more conspicuous than in giving existence, as occasion may require, to human talents, and to other instruments adequate to the purposes of It's mysterious dispensations.

Of these instruments the virtues of Princes are among the most noble. May those of your Majesty and of your family be the blessing of your people. When after the close of a reign, which I pray God may be long and prosperous, your Majesty's subjects shall have reaped the fruits of your Majesty's experience, and inflexible adherence to the principles so clearly developed and so ably enforced by this great Writer, the merits of the Sage and of the Prince will be justly appreciated.

Deign

DEDICATION.

Deign, Sire, to accept the homage of my most perfect respect, and the assurance of my fervent vows for the welfare of your Majesty, and of your most august family; and permit me to subscribe myself,

SIRE,

Your Majesty's most obedient,

and most humble Servant,

WALKER ROCHESTER.

ADVERTISEMENT.

*THE Account which is here given, of what passed in the House of Lords and in the House of Commons, relative to the Report of the Committee of the Commons appointed to inspect the Journals of the Lords, was, through inadvertency, omitted to be published together with that Report, at the end of the Seventh Volume.**

THE preceding Report was ordered to be printed for the use of the Members of the House of Commons, and was soon afterwards reprinted and published, in the shape of a pamphlet, by a London bookseller. In the course of a debate which took place in the House of Lords on Thursday the 22d of May 1794, on the Treason and Sedition Bills, Lord Thurlow took occasion to mention "a Pamphlet which his Lordship said was published by one Debrett, of Piccadilly, and which had that day been put into his hands, reflecting highly upon the Judges and

* 4to Edition.

and many Members of that House; this Pamphlet was, he said, scandalous and indecent, and such as he thought ought not to pass unnoticed. He considered the villifying and misrepresenting the conduct of judges and magistrates entrusted with the administration of justice and the laws of the country, to be a crime of a very heinous nature, and most destructive in its consequences, because it tended to lower them in the opinion of those who ought to feel a proper reverence and respect for their high and important stations; and that when it was stated to the ignorant or the wicked, that their judges and magistrates were ignorant and corrupt, it tended to lessen their respect for and obedience to the laws themselves, by teaching them to think ill of those who administered them." On the next day Mr. Burke called the attention of the House of Commons to this matter, in a Speech to the following effect:

" Mr Speaker,

" THE license of the present times makes " it very difficult for us to talk upon certain " subjects in which Parliamentary order is in- " volved. It is difficult to speak of them with " regularity, or to be silent with dignity and " wisdom: All our proceedings have been con- " stantly published, according to the discretion

" and ability of individuals out of doors, with " impunity, almost ever since I came into Par- " liament. By usage, the people have obtained " something like a prescriptive right to this " abuse. I do not justify it; but the abuse is " now grown so inveterate, that to punish it " without previous notice would have an ap- " pearance of hardship, if not injustice. The " publications I allude to are frequently erro- " neous as well as irregular, but they are not " always so; what they give as the reports and " resolutions of this House, have sometimes " been given correctly. And it has not been " uncommon to attack the proceedings of the " House itself under colour of attacking these " irregular publications. Notwithstanding how- " ever this colourable plea, this House has, in " some instances, proceeded to punish the per- " sons who have thus insulted it. You will here " too remark, Sir, that when a complaint is " made of a piratical edition of a work, the " authenticity of the original work is admitted, " and whoever attacks the matter of the work " itself in these unauthorized publications, does " not attack it less than if he had attacked it in " an edition authorized by the writer.

" I understand, Sir, that in a place which " I greatly respect, and by a person for whom " I have likewise a great veneration, a pam-

" phlet,

" phlet published by a Mr. Debrett, has been
" very heavily censured. That pamphlet, I hear,
" (for I have not read it) purports to be a Report
" made by one of your Committees to this
" House. It has been censured (as I am told)
" by the person and in the place I have men-
" tioned, in very harsh and very unqualified
" terms. It has been there said (and so far very
" truly) that at all times, and particularly at
" this time, it is necessary for the preservation
" of order and the execution of the law, that
" the characters and reputation of the Judges
" of the Courts in Westminster Hall should be
" kept in the highest degree of respect and
" reverence; and that in this pamphlet, described
" by the name of a libel, the characters and con-
" duct of those Judges upon a late occasion
" have been aspersed, as arising from ignorance
" or corruption.

" Sir, combining all the circumstances, I
" think it impossible not to suppose that this
" Speech does not reflect upon a Report which,
" by an order of the Committee on which I
" served, I had the honour of presenting to this
" House. For any thing improper in that
" Report I am responsible, as well as the Mem-
" bers of the Committee, to this House, and to
" this House only. The matters contained in
" it, and the observations upon them are sub-

 " mitted

" mitted to the wisdom of the House, that you
" may act upon both in the time and manner
" that to your judgment may seem most ex-
" pedient; or that you may not act upon them
" at all, if you should think that most expedient
" for the publick good. Your Committee has
" obeyed your orders; it has done its duty in
" making that Report.

" I am of opinion with the eminent person
" by whom that Report is censured, that it is
" necessary at this time very particularly that
" the authority of Judges should be preserved
" and supported. This however does not de-
" pend so much upon us as upon themselves.
" It is necessary to preserve the dignity and
" respect of all the Constitutional authorities.
" This, too, depends in part upon ourselves.
" It is necessary to preserve the respect due to
" the House of Lords; it is full as necessary to
" preserve the respect due to the House of
" Commons; upon which (whatever may be
" thought of us by some persons) the weight
" and force of all other authorities within this
" kingdom essentially depend. If the power of
" the House of Commons be degraded or ener-
" vated, no other can stand. We must be true
" to ourselves. We ought to animadvert upon
" any of our Members who abuse the trust we
" place in them; we must support those who,

" without

" without regard to consequences, perform their
" duty.

" With regard to the matter which I am
" now submitting to your consideration, I must
" say for your Committee of Managers and for
" myself, that the Report was deliberately made,
" and does not, as I conceive, contain any very
" material errour, nor any undue or indecent
" reflection upon any person or persons what-
" ever. It does not accuse the Judges of igno-
" rance or corruption. Whatever it says, it
" does not say calumniously. That kind of
" language belongs to persons whose eloquence
" entitles them to a free use of epithets. The
" Report states, that the Judges had given their
" opinions secretly, contrary to the almost un-
" interrupted tenor of Parliamentary usage on
" such occasions. It states, that the mode of
" giving the opinions was unprecedented and
" contrary to the privileges of the House of
" Commons. It states, that the Committee did
" not know upon what rules and principles
" the Judges had decided upon those cases, as
" they neither heard their opinions delivered,
" nor have found them entered upon the Jour-
" nals of the House of Lords. It is very true,
" that we were and are extremely dissatisfied
" with those opinions, and the consequent deter-
" minations of the Lords; and we do not think

" such

" such a mode of proceeding at all justified by
" the most numerous and the best precedents.
" None of these sentiments is the Committee, as
" I conceive, (and I feel as little as any of
" them) disposed to retract, or to soften in the
" smallest degree.

" The Report speaks for itself. Whenever
" an occasion shall be regularly given to main-
" tain every thing of substance in that paper,
" I shall be ready to meet the proudest name for
" ability, learning, or rank, that this kingdom
" contains, upon that subject. Do I say this
" from any confidence in myself? Far from it.
" It is from my confidence in our cause, and in
" the ability, the learning, and the Constitutional
" principles, which this House contains within
" itself, and which I hope it will ever contain;
" and in the assistance which it will not fail to
" afford to those, who with good intention do
" their best to maintain the essential privileges
" of the House, the ancient law of Parliament,
" and the publick justice of this kingdom."

No Reply or Observation was made on the subject by any other Member, nor was any farther notice taken of it in the House of Lords.

TRIAL

OF

WARREN HASTINGS, ESQ.

WEDNESDAY, 28th MAY 1794.

FIRST DAY OF REPLY.

(MR. BURKE.)

MY LORDS,

THIS Business, which has so long employed the publick Councils of this Kingdom, so long employed the greatest and most august of its Tribunals, now approaches to a close. The wreck and fragments of our Cause (which has been dashed to pieces upon rules by which your Lordships have thought fit to regulate its progress) await your final determination. Enough, however, of the matter is left to call for the most exemplary punishment, that any tribunal ever inflicted upon any criminal; and yet, my Lords, the Prisoner, by the plan of his defence, demands not only an escape, but a triumph. It is not enough for him to be acquitted, the Commons of Great Britain must be condemned;

and your Lordships must be the instruments of his glory, and of our disgrace. This is the issue upon which he has put this Cause, and the issue upon which we are obliged to take it now, and to provide for it hereafter.

My Lords, I confess, that at this critical moment I feel myself oppressed with an anxiety, that no words can adequately express. The effect of all our labours, the result of all our inquiries, is now to be ascertained. You, my Lords, are now to determine, not only whether all these labours have been vain and fruitless, but whether we have abused so long the publick patience of our country, and so long oppressed merit, instead of avenging crime. I confess I tremble, when I consider that your judgment is now going to be passed, not on the Culprit at your bar, but upon the House of Commons itself, and upon the publick justice of this Kingdom, as represented in this great Tribunal. It is not that Culprit who is upon trial, it is the House of Commons that is upon its trial, it is the House of Lords that is upon its trial, it is the British Nation that is upon its trial before all other nations, before the present generation, and before a long, long posterity.

My Lords, I should be ashamed, if at this moment I attempted to use any sort of rhetorical blandishments whatever. Such artifices would neither

neither be suitable to the Body that I represent, to the Cause which I sustain, or to my own individual disposition upon such an occasion. My Lords, we know very well what these fallacious blandishments too frequently are. We know that they are used to captivate the benevolence of the Court, and to conciliate the affections of the Tribunal rather to the person than to the Cause. We know that they are used to stifle the remonstrances of conscience in the judge, and to reconcile it to the violation of his duty. We likewise know, that they are too often used in great and important causes (and more particularly in causes like this) to reconcile the prosecutor to the powerful factions of a protected Criminal, and to the injury of those who have suffered by his crimes; thus inducing all parties to separate in a kind of good humour, as if they had nothing more than a verbal dispute to settle, or a slight quarrel over a table to compromise. All this may now be done at the expense of the persons whose cause we pretend to espouse. We may all part, my Lords, with the most perfect complacency, and entire good humour towards one another; while nations, whole suffering nations, are left to beat the empty air with cries of misery and anguish, and to cast forth to an offended heaven the imprecations of disappointment and despair.

One of the counsel for the Prisoner (I think it was one who has comported himself in this Cause with decency), has told your Lordships, that we have come here on account of *some doubts* entertained in the House of Commons, concerning the conduct of the Prisoner at your bar; that we shall be extremely delighted when his defence, and your Lordship's judgment shall have set him free, and shall have discovered to us our error; that we shall then mutually congratulate one another, and that the Commons, and the Managers who represent them here, will be the first to rejoice in so happy an event, and so fortunate a discovery.

Far, far from the Commons of Great Britain be all manner of real vice; but ten thousand times further from them, as far as from pole to pole, be the whole tribe of false, spurious, affected, counterfeit, hypocritical virtues. These are the things which are ten times more at war with real virtue, these are the things which are ten times more at war with real duty, than any vice known by its name, and distinguished by its proper character.

My Lords, far from us, I will add, be that false and affected candour, that is eternally in treaty with crime; that half virtue, which, like the ambiguous animal that flies about in the twilight of a compromise between day and night,

night, is to a just man's eye an odious and disgusting thing. There is no middle point, in which the Commons of Great Britain can meet tyranny and oppression. No, we never shall (nor can we conceive that we ever should) pass from this bar, without indignation, without rage and despair, if the House of Commons should, upon such a defence as has here been made against such a Charge as they have produced, be foiled, baffled, and defeated. No, my Lords, we never could forget it; a long, lasting, deep, bitter memory of it would sink into our minds.

My Lords, the Commons of Great Britain have no doubt upon this subject. We came hither to call for justice, not to solve a problem; and if justice be denied us, the accused is not acquitted, but the Tribunal is condemned. We know, that this man is guilty of all the crimes which he stands accused of by us. We have not come here to you, in the rash heat of a day, with that fervor which sometimes prevails in popular assemblies, and frequently misleads them. No; if we have been guilty of error in this Cause, it is a deliberate error; the fruit of long, laborious inquiry; an error founded on a procedure in Parliament, before we came here; the most minute, the most circumstantial, and the most cautious, that ever was instituted. Instead of coming, as we did in Lord Strafford's

case, and in some others, voting the impeachment, and bringing it up on the same day, this impeachment was voted from a general sense prevailing in the House, of Mr. Hastings's criminality, after an investigation begun in the year 1780, and which produced, in 1782, a body of resolutions condemnatory of almost the whole of his conduct. Those resolutions were formed by the Lord Advocate of Scotland, and carried in our House by the unanimous consent of all parties. I mean the then Lord Advocate of Scotland, now one of His Majesty's Principal Secretaries of State, and at the head of this very Indian department.

Afterwards, when this defendant came home in the year 1785, we re-instituted our inquiry. We instituted it, as your Lordships and the world know, at his own request made to us by his agent then a Member of our House. We entered into it at large; we deliberately moved for every paper, which promised information on the subject. These papers were not only produced on the part of the prosecution, as is the case before Grand Juries; but the friends of the Prisoner produced every document, which they could produce for his justification. We called all the witnesses, which could enlighten us in the Cause, and the friends of the Prisoner likewise called every witness, that could possibly throw

throw any light in his favour. After all these long deliberations, we referred the whole to a Committee. When it had gone through that Committee and we thought it in a fit state to be digested into these charges, we referred the matter to another Committee, and the result of that long examination and the labour of these Committees is the Impeachment now at your bar.

If therefore we are defeated here, we cannot plead for ourselves, that we have done this from a sudden gust of passion, which sometimes agitates and sometimes misleads the most grave popular assemblies. No, it is either the fair result of twenty-two years deliberation that we bring before you; or what the Prisoner says is just and true;—that nothing but malice in the Commons of Great Britain could possibly produce such an accusation as the fruit of such an Inquiry. My Lords, we admit this statement, we are at issue upon this point, and we are now before your Lordships, who are to determine whether this man has abused his power in India for fourteen years, or whether the Commons has abused their power of inquiry, made a mock of their inquisitorial authority, and turned it to purposes of private malice and revenge. We are not come here to compromise matters, we do not admit that our fame,

our honours, nay, the very inquisitorial power of the House of Commons is gone, if this man be not guilty.

My Lords, great and powerful as the House of Commons is, (and great and powerful I hope it always will remain), yet we cannot be insensible to the effects produced by the introduction of forty millions of money into this country from India. We know, that the private fortunes which have been made there pervade this kingdom so universally, that there is not a single parish in it unoccupied by the partisans of the Defendant. We should fear, that the faction which he has thus formed by the oppression of the people of India would be too strong for the House of Commons itself, with all its power and reputation, did we not know, that we have brought before you a Cause which nothing can resist.

I shall now, my Lords, proceed to state what has been already done in this Cause, and in what condition it now stands for your judgment.

An immense mass of criminality was digested by a Committee of the House of Commons; but although this mass had been taken from another mass still greater, the House found it expedient to select twenty specific charges, which they afterwards directed us their managers to bring to your Lordships' Bar. Whether that which has

has been brought forward on these occasions, or that which was left behind, be more highly criminal, I for one, as a person most concerned in this inquiry, do assure your Lordships that it is impossible for me to determine.

After we had brought forward this Cause, (the greatest in extent that ever was tried before any human Tribunal, to say nothing of the magnitude of its consequences;) we soon found, whatever the reasons might be, without at present blaming the Prisoner, without blaming your Lordships, and far are we from imputing blame to ourselves, we soon found that this Trial was likely to be protracted to an unusual length. The Managers of the Commons, feeling this, went up to their constituents to procure from them the means of reducing it within a compass fitter for their management and for your Lordships' judgment. Being furnished with this power, a second selection was made upon the principles of the first; not upon the idea, that what we left could be less clearly sustained, but because we thought a selection should be made upon some juridical principle. With this impression on our minds, we reduced the whole Cause to four great heads of guilt and criminality. Two of them, namely, Benares and the Begums, show the effects of his open violence and injustice: the other two expose the principles

ciples of pecuniary corruption, upon which the Prisoner proceeded; one of these displays his passive corruption in receiving bribes, and the other his active corruption, in which he has endeavoured to defend his passive corruption, by forming a most formidable faction both abroad and at home. There is hardly any one act of the Prisoner's corruption, in which there is not presumptive violence; nor any acts of his violence, in which there are not presumptive proofs of corruption. These practices are so intimately blended with each other, that we thought the distribution which we have adopted would best bring before you the spirit and genius of his government; and we were convinced, that if upon these four great heads of charge, your Lordships should not find him guilty, nothing could be added to them which would persuade you so to do.

In this way and in this state, the matter now comes before your Lordships. I need not tread over the ground, which has been trod with such extraordinary abilities by my brother managers; of whom I shall say nothing more, than that the Cause has been supported by abilities equal to it; and, my Lords, no abilities are beyoud it. As to the part which I have sustained in this procedure, a sense of my own abilities, weighed with the importance of the Cause, would have made

made me desirous of being left out of it; but I had a duty to perform, which superseded every personal consideration, and that duty was obedience to the House, of which I have the honour of being a member. This is all the apology I shall make. We are the Commons of Great Britain, and therefore cannot make apologies. I can make none for my obedience; they want none for their commands. They gave me this office, not from any confidence in my ability, but from a confidence in the abilities of those who were to assist me, and from a confidence in my zeal,—a quality, my Lords, which often times supplies the want of great abilities.

In considering what relates to the Prisoner and to his defence, I find the whole resolves itself into four heads. First, his demeanour and his defence in general: secondly, the principles of his defence: thirdly, the means of that defence; and, fourthly, the testimonies which he brings forward to fortify those means, to support those principles, and to justify that demeanour.

As to his demeanour, my Lords, I will venture to say, that if we fully examine the conduct of all prisoners brought before this high Tribunal, from the time that the Duke of Suffolk appeared before it, down to the time of the appearance of my Lord Macclesfield; if we

we fully examine the conduct of prisoners in every station of life, from my Lord Bacon down to the smugglers who were impeached in the reign of King William, I say my Lords, that we shall not, in the whole history of Parliamentary trials, find any thing similar to the demeanour of the Prisoner at your bar. What could have encouraged that demeanour, your Lordships will, when you reflect seriously upon this matter, consider. God forbid that the authority either of the prosecutor or of the judge should dishearten the Prisoner so as to circumscribe the means or enervate the vigour of his defence. God forbid that such a thing should even appear to be desired by any body in any British tribunal. But my Lords, there is a behaviour which broadly displays a want of sense, a want of feeling, a want of decorum; a behaviour which indicates an habitual depravity of mind, that has no sentiments of propriety, no feeling for the relations of life, no conformity to the circumstances of human affairs. This behaviour does not indicate the spirit of injured innocence, but the audacity of hardened, habitual, shameless guilt; affording legitimate grounds for inferring a very defective education, very evil society, or very vicious habits of life. There is, my Lords, a nobleness in modesty; while insolence is always base and servile.

servile. A man who is under the accusation of his country is under a very great misfortune. His innocence indeed may at length shine out like the sun, yet for a moment it is under a cloud; his honour is in abeyance; his estimation is suspended; and he stands as it were a doubtful person in the eyes of all human society. In that situation, not a timid, not an abject, but undoubtedly a modest behaviour, would become a person even of the most exalted dignity, and of the firmest fortitude.

The Romans (who were a people that understood the decorum of life as well as we do), considered a person accused to stand in such a doubtful situation, that from the moment of accusation he assumed either a mourning, or some squalid garb; although, by the nature of their constitution, accusations were brought forward by one of their lowest magistrates. The spirit of that decent usage has continued from the time of the Romans till this very day. No man was ever brought before your Lordships, that did not carry the outward as well as inward demeanour of modesty, of fear, of apprehension, of a sense of his situation, of a sense of our accusation, and a sense of your Lordships' dignity.

These, however, are but outward things; they are, as Hamlet says, "things which a man may play."

play." But, my Lords, this Prisoner has gone a great deal further than being merely deficient in decent humility. Instead of defending himself, he has, with a degree of insolence unparalleled in the history of pride and guilt, cast out a recriminatory accusation upon the House of Commons. Instead of considering himself as a person already under the condemnation of his Country, and uncertain whether or not that condemnation shall receive the sanction of your verdict, he ranks himself with the suffering heroes of antiquity. Joining with them, he accuses us, the Representatives of his Country, of the blackest ingratitude, of the basest motives, of the most abominable oppression, not only of an innocent, but of a most meritorious individual, who, in your, and in our service, has sacrificed his health, his fortune, and even suffered his fame and character to be called in question, from one end of the world to the other. This, I say, he charges upon the Commons of Great Britain; and he charges it before the Court of Peers of the same Kingdom. Had I not heard this language from the Prisoner, and afterwards from his counsel, I must confess I could hardly have believed that any man could so comport himself at your Lordships bar.

After stating in his defence the wonderful things he did for us, he says, "I maintained

"the

" the wars which were of your formation, or " that of others, *not of mine*. I won one mem " ber of the great Indian confederacy from it, " by an act of seasonable restitution; with an- " other, I maintained a secret intercourse, and " converted him into a friend; a third, I drew " off by diversion and negotiation, and em- " ployed him as the instrument of peace. When " *you* cried out for peace, and your cries were " heard by those who were the objects of it, I " resisted this and every other species of coun- " teraction, by rising in my demands, and ac- " complished a peace, and I hope an everlast- " ing one, with one great state; and I at " least afforded the efficient means by which " a peace, if not so durable, more seasonable " at least, was accomplished with another. I " gave you *all*; and you have rewarded me " with *confiscation, disgrace and a life of im-* " *peachment.*"

Comparing our conduct with that of the people of India, he says, " *They* manifested a " generosity, of which we have no example in " the European world. Their conduct was the " effect of their sense of gratitude for the be- " nefits they had received from my adminis- " tration. I wish I could say as much of my " own countrymen."

My Lords, here then we have the Prisoner at your

your bar in his demeanour not defending himself, but recriminating upon his country; charging it with perfidy, ingratitude and oppression, and making a comparison of it with the Banyans of India, whom he prefers to the Commons of Great Britain.

My Lords, what shall we say to this demeanour? With regard to the charge of using him with ingratitude, there are two points to be considered. First, the charge implies that he had rendered great services; and secondly, that he has been falsely accused.

My Lords, as to the great services, they have not, they cannot come in evidence before you. If you have received such evidence, you have received it obliquely; for there is no other direct proof before your Lordships of such services, than that of there having been great distresses and great calamities in India, during his government. Upon these distresses and calamities, he has, indeed, attempted to justify obliquely the corruption that has been charged upon him: but you have not properly in issue these services. You cannot admit the evidence of any such services received directly from him, as a matter of recriminatory charge upon the House of Commons, because you have not suffered that House to examine into the validity and merit of this plea. We have not been heard upon this recriminatory

recriminatory charge, which makes a considerable part of the demeanour of the Prisoner; we cannot be heard upon it; and therefore I demand, on the part of the Commons of Great Britain, that it be dismissed from your consideration; and this I demand, whether you take it as an attempt to render odious the conduct of the Commons; whether you take it in mitigation of the punishment due to the Prisoner for his crimes; or whether it be adduced as a presumption, that so virtuous a servant never could be guilty of the offences with which we charge him. In which ever of these lights you may be inclined to consider this matter, I say you have it not in evidence before you; and therefore you must expunge it from your thoughts, and separate it entirely from your judgment. I shall hereafter have occasion to say a few words on this subject of *merits*. I have said thus much at present, in order to remove extraneous impressions from your minds. For admitting that your Lordships are the best judges, as I well know that you are, yet I cannot say that you are not men, and that matter of this kind, however irrelevant, may not make an impression upon you. It does, therefore, become us to take some occasional notice of these supposed services, not in the way of argument, but with a view by one sort of prejudice to destroy another prejudice.

If there is any thing in evidence which tends to destroy this plea of merits, we shall recur to that evidence; if there is nothing to destroy it but argument, we shall have recourse to that argument; and if we support that argument by authority and document, not in your Lordships' minutes, I hope it will not be the less considered as good argument, because it is so supported.

I must now call your Lordships' attention from the vaunted services of the Prisoner, which have been urged to convict us of ingratitude, to another part of his recriminatory defence. He says, my Lords, that we have not only oppressed him with unjust charges (which is a matter for your Lordships to judge, and is now the point at issue between us,) but that instead of attacking him by fair judicial modes of proceeding, by stating crimes clearly and plainly, and by proving those crimes, and shewing their necessary consequences, we have oppressed him with all sorts of foul and abusive language; so much so, that every part of our proceeding has, in the eye of the world, more the appearance of private revenge, than of publick justice.

Against this impudent and calumnious recriminatory accusation, which your Lordships have thought good to suffer him to utter here, at a time too when all dignity is in danger of being trodden under foot, we will say nothing by way

recriminatory charge, which makes a considerable part of the demeanour of the Prisoner; we cannot be heard upon it; and therefore I demand, on the part of the Commons of Great Britain, that it be dismissed from your consideration; and this I demand, whether you take it as an attempt to render odious the conduct of the Commons; whether you take it in mitigation of the punishment due to the Prisoner for his crimes; or whether it be adduced as a presumption, that so virtuous a servant never could be guilty of the offences with which we charge him. In which ever of these lights you may be inclined to consider this matter, I say you have it not in evidence before you; and therefore you must expunge it from your thoughts, and separate it entirely from your judgment. I shall hereafter have occasion to say a few words on this subject of *merits*. I have said thus much at present, in order to remove extraneous impressions from your minds. For admitting that your Lordships are the best judges, as I well know that you are, yet I cannot say that you are not men, and that matter of this kind, however irrelevant, may not make an impression upon you. It does, therefore, become us to take some occasional notice of these supposed services, not in the way of argument, but with a view by one sort of prejudice to destroy another prejudice.

and hirelings, posted in newspapers and dispersed in circles through every part of the kingdom, represent him as an object of great compassion; because he is treated, say they, with nothing but opprobrious names and scurrilous invectives.

To all this the Managers of the Commons will say nothing by way of defence, it would be to betray their trust if they did. No, my Lords, they have another and a very different duty to perform on this occasion. They are bound not to suffer public opinion, which often prevents judgment and often defeats its effects, to be debauched and corrupted. Much less is this to be suffered in the presence of our co-ordinate branch of legislature, and as it were with your and our own tacit acquiescence. Whenever the publick mind is misled, it becomes the duty of the Commons of Great Britain to give it a more proper tone and a juster way of thinking. When ignorance and corruption have usurped the professor's chair, and placed themselves in the seats of science and of virtue, it is high time for us to speak out. We know that the doctrines of folly are of great use to the professors of vice. We know that it is one of the signs of a corrupt and degenerate age, and one of the means of insuring its further corruption and degeneracy, to give mild and lenient epithets to vices

vices and to crimes. The world is much influenced by names. And as terms are the representatives of sentiments, when persons who exercise any censorial magistracy seem in their language to compromise with crimes and criminals, by expressing no horror of the one or detestation of the other, the world will naturally think that they act merely to acquit themselves in its sight in form, but in reality to evade their duty. Yes, my Lords, the world must think, that such persons palter with their sacred trust, and are tender to crimes because they look forward to the future possession of the same power, which they now prosecute, and purpose to abuse it in the manner it has been abused by the Criminal of whom they are so tender.

To remove such an imputation from us, we assert, that the Commons of Great Britain are not to receive instructions about the language which they ought to hold, from the gentlemen who have made profitable studies in the academies of Benares and of Oude. We know, and therefore do not want to learn, how to comport ourselves in prosecuting the haughty and overgrown delinquents of the East. We cannot require to be instructed by them, in what words we shall express just indignation at enormous crimes; for we have the example of our great ancestors

to teach us. We tread in their steps and we speak in their language.

Your Lordships well know, for you must be conversant in this kind of reading, that you once had before you a man of the highest rank in this country, one of the greatest men of the law, and one of the greatest men of the state, a peer of your own body, Lord Macclesfield. Yet, my Lords, when that peer did but just modestly hint, that he had received hard measure from the Commons and their Managers, those Managers thought themselves bound *seriatim* one after another, to express the utmost indignation at the charge, in the harshest language that could be used. Why did they do so? They knew it was the language that became them. They lived in an age in which politeness was as well understood and as much cultivated, as it is at present; but they knew what they were doing, and they were resolved to use no language but what their ancestors had used, and to suffer no insolence which their ancestors would not have suffered. We tread in their steps; we pursue their method; we learn of them; and we shall never learn at any other school.

We know from history and the records of this House, that a Lord Bacon has been before you. Who is there, that upon hearing this name does not

not instantly recognise every thing of genius the most profound, every thing of literature the most extensive, every thing of discovery the most penetrating, every thing of observation on human life the most distinguishing and refined? All these must be instantly recognised, for they are all inseparably associated with the name of Lord Verulam. Yet when this prodigy was brought before your Lordships, by the Commons of Great Britain, for having permitted his menial servant to receive presents, What was his demeanour? Did he require his Counsel not "to let down the dignity of his defence?" No. That Lord Bacon, whose least distinction was, that he was a Peer of England, a Lord High Chancellor, and the son of a Lord Keeper, behaved like a man who knew himself; like a man who was conscious of merits of the highest kind; but who was at the same time conscious of having fallen into guilt. The House of Commons did not spare him. They brought him to your bar. They found spots in that sun. And what, I again ask, was his behaviour? That of contrition, that of humility, that of repentance, that which belongs to the greatest men lapsed and fallen through human infirmity into error. He did not hurl defiance at the accusations of his country, he bowed himself before it, yet with all his penitence he could not escape the pursuit

of the House of Commons, and the inflexible justice of this court. Your Lordships fined him forty thousand pounds, notwithstanding all his merits; notwithstanding his humility; notwithstanding his contrition, notwithstanding the decorum of his behaviour, so well suited to a man under the prosecution of the Commons of England, before the Peers of England. You fined him in a sum fully equal to one hundred thousand pounds of the present day. You imprisoned him during the King's pleasure; and you disqualified him for ever from having a seat in this House, and any office in this kingdom. This is the way, in which the Commons behaved formerly, and in which your Lordships acted formerly; when no culprit at this bar dared to hurl a recriminatory accusation against his prosecutors, or dared to censure the language in which they expressed their indignation at his crimes.

The Commons of Great Britain, following these examples and fortified by them, abhor all compromise with guilt either in act or in language. They will not disclaim any one word that they have spoken; because, my Lords, they have said nothing abusive or illiberal. It has been said, that we have used such language as was used to Sir Walter Raleigh, when he was called, not by the Commons, but by a certain person

person of a learned profession, " a spider of hell." My Lords, Sir Walter was a great soldier, a great mariner, and one of the first scholars of his age. To call him a spider of hell, was not only indecent in itself, but perfectly foolish, from the term being totally inapplicable to the object, and fit only for the very pedantic eloquence of the person who used it. But if Sir Walter Raleigh had been guilty of numberless frauds and prevarications; if he had clandestinely picked up other men's money, concealed his peculation by false bonds, and afterwards attempted to cover it by the cobwebs of the law, then my Lord Coke would have trespassed a great deal more against decorum than against propriety of similitude and metaphor.

My Lords, the Managers for the Commons have not used any *inapplicable* language. We have indeed used, and will again use, such expressions as are proper to pourtray guilt. After describing the magnitude of the crime, we describe the magnitude of the Criminal. We have declared him to be not only a publick robber himself, but the head of a system of robbery; the captain general of the gang, the chief under whom a whole predatory band was arrayed, disciplined, and paid. This, my Lords, is what we offered to prove fully to you, what in part we have proved, and the whole of which I believe

believe we could prove. In developing such a mass of criminality, and in describing a criminal of such magnitude, as we have now brought before you, we could not use lenient epithets, without compromising with crime. We therefore shall not relax in our pursuits, nor in our language. No, my Lords, no; we shall not fail to feel indignation wherever our moral nature has taught us to feel it, nor shall we hesitate to speak the language which is dictated by that indignation. Whenever men are oppressed where they ought to be protected, we called it tyranny; and we call the actor a tyrant. Whenever goods are taken by violence from the possessor, we call it a robbery; and the person who takes it, we call a robber. Money clandestinely taken from the proprietor, we call theft; and the person who takes it, we call a thief. When a false paper is made out to obtain money, we call the act a forgery. That steward who takes bribes from his master's tenants, and then, pretending the money to be his own, lends it to that master and takes bonds for it to himself, we consider guilty of a breach of trust; and the person who commits such crimes, we call a cheat, a swindler, and a forger of bonds. All these offences, without the least softening, under all these names, we charge upon this man. We have so charged in our record, we have so charged in

our speeches; and we are sorry that our language does not furnish terms of sufficient force and compass to mark the multitude, the magnitude, and the atrocity of his crimes.

How came it then that the Commons of Great Britain should be calumniated for the course which they have taken? Why should it ever have been supposed that we are actuated by revenge? I answer there are two very sufficient causes: corruption and ignorance. The first disposes an innumerable multitude of people to a fellow feeling with the Prisoner. Under the shadow of his crimes thousands of fortunes have been made; and therefore thousands of tongues are employed to justify the means by which these fortunes were made. When they cannot deny the facts they attack the accusers; they attack their conduct, they attack their persons, they attack their language, in every possible manner. I have said, my Lords, that ignorance is the other cause of this calumny by which the House of Commons is assailed. Ignorance produces a confusion of ideas concerning the decorum of life, by confounding the rules of private society with those of publick function. To talk, as we here talk, to persons in a mixed company of men and women, would violate the law of such societies; because they meet for the sole purpose of social intercourse, and not for

for the exposure, the censure, the punishment of crimes; to all which things private societies are altogether incompetent. In them crimes can never be regularly stated, proved, or refuted. The law has therefore appointed special places for such inquiries; and if in any of those places we were to apply the emollient language of drawing rooms to the exposure of great crimes, it would be as false and vicious in taste and in morals, as to use the criminatory language of this Hall, in drawing and assembling rooms would be misplaced and ridiculous. Every one knows, that in common society palliating names are given to vices. Adultery, in a lady is called gallantry: the gentleman is commonly called a man of good fortune, sometimes in French and sometimes in English. But is this the tone which would become a person, in a court of justice, calling these people to an account for that horrible crime, which destroys the basis of society? No, my Lords, this is not the tone of such proceedings. Your Lordships know that it is not; the Commons know that it is not; and because we have acted on that knowledge, and stigmatized crimes with becoming indignation, we are said to be actuated rather by revenge than justice.

If it should still be asked, why we shew sufficient acrimony to excite a suspicion of being in

in any manner influenced by malice or a desire of revenge? To this, my Lords, I answer, because we would be thought to know our duty, and to have all the world know how resolutely we are resolved to perform it. The Commons of Great Britain are not disposed to quarrel with the Divine Wisdom and Goodness, which has moulded up revenge into the frame and constitution of man. He that has made us what we are, has made us at once resentful and reasonable. Instinct tells a man, that he ought to revenge an injury; reason tells him, that he ought not to be a judge in his own cause. From that moment revenge passes from the private to the publick hand; but in being transferred it is far from being extinguished. My Lords, it is transferred as a sacred trust to be exercised for the injured, in measure and proportion by persons who, feeling as he feels, are in a temper to reason better than he can reason. Revenge is taken out of the hands of the original injured proprietor, lest it should be carried beyond the bounds of moderation and justice. But, my Lords, it is in its transfer exposed to a danger of an opposite description. The delegate of vengeance may not feel the wrong sufficiently; he may be cold and languid in the performance of his sacred duty. It is for these reasons, that good men are taught to tremble even

even at the first emotions of anger and resentment for their own particular wrongs; but they are likewise taught, if they are well taught, to give the loosest possible rein to their resentment and indignation, whenever their parents, their friends, their country or their brethren of the common family of mankind are injured. Those, who have not such feelings under such circumstances, are base and degenerate. These, my Lords, are the sentiments of the Commons of Great Britain.

Lord Bacon has very well said, that "revenge "is a kind of wild justice." It is so, and without this wild austere stock, there would be no justice in the world. But when by the skilful hand of morality and wise jurisprudence a foreign scion, but of the very same species, is grafted upon it, its harsh quality becomes changed, it submits to culture, and laying aside its savage nature it bears fruits and flowers, sweet to the world, and not ungrateful even to Heaven itself, to which it elevates its exalted head. The fruit of this wild stock is revenge, regulated, but not extinguished; revenge transferred from the suffering party to the communion and sympathy of mankind. This is the revenge by which we are actuated, and which we should be sorry if the false, idle, girlish, novel-like morality of the world should extinguish

guish in the breast of us, who have a great publick duty to perform.

This sympathetick revenge, which is condemned by clamourous imbecility, is so far from being a vice, that it is the greatest of all possible virtues; a virtue which the uncorrupted judgment of mankind has in all ages exalted to the rank of heroism. To give up all the repose and pleasures of life, to pass sleepless nights, and laborious days, and, what is ten times more irksome to an ingenuous mind, to offer oneself to calumny and all its herd of hissing tongues and poisoned fangs, in order to free the world from fraudulent prevaricators, from cruel oppressors, from robbers and tyrants, has I say the test of heroick virtue, and well deserves such a distinction. The Commons, despairing to attain the heights of this virtue, never lose sight of it for a moment. For seventeen years they have, almost without intermission, pursued, by every sort of inquiry, by legislative and by judicial remedy, the cure of this Indian malady, worse ten thousand times than the leprosy which our forefathers brought from the East. Could they have done this, if they had not been actuated by some strong, some vehement, some perennial passion, which burning like the vestal fire, chaste and eternal, never suffers generous sympathy to grow cold

in

in maintaining the rights of the injured, or in denouncing the crimes of the oppressor?

My Lords, the Managers for the Commons have been actuated by this passion; my Lords, they feel its influence at this moment; and so far from softening either their measures or their tone, they do here, in the presence of their Creator, of this House, and of the world, make this solemn declaration, and nuncupate this deliberate vow; that they will ever glow with the most determined and unextinguishable animosity against tyranny, oppression and peculation in all, but more particularly as practised by this man in India; that they never will relent, but will pursue and prosecute him and it, till they see corrupt pride prostrate under the feet of justice. We call upon your Lordships to join us; and we have no doubt that you will feel the same sympathy that we feel, or (what I cannot persuade my soul to think, or my mouth to utter,) you will be identified with the Criminal whose crimes you excuse, and rolled with him in all the pollution of Indian guilt, from generation to generation. Let those who feel with me upon this occasion join with me in this vow; if they will not, I have it all to myself.

It is not to defend ourselves, that I have addressed your Lordships at such length on this subject. No, my Lords; I have said what

I considered

I considered necessary to instruct the publick, upon the principles which induced the House of Commons to persevere in this business with a generous warmth, and in the indignant language which nature prompts, when great crimes are brought before men who feel as they ought to feel upon such occasions.

I now proceed, my Lords, to the next recriminatory charge, which is *delay*. I confess I am not astonished at this charge. From the first records of human impatience, down to the present time, it has been complained that the march of violence and oppression is rapid; but that the progress of remedial and vindictive justice, even the divine, has almost always favoured the appearance of being languid and sluggish. Something of this is owing to the very nature and constitution of human affairs; because, as justice is a circumspect, cautious, scrutinizing, balancing principle, full of doubt even of itself, and fearful of doing wrong even to the greatest wrong-doers, in the nature of things its movements must be slow, in comparison with the headlong rapidity with which avarice, ambition, and revenge, pounce down upon the devoted prey of those violent and destructive passions. And indeed, my Lords, the disproportion between crime and justice, when seen in the particular acts of either, would be so much to the

advantage of crimes and criminals, that we should find it difficult to defend laws and tribunals (especially in great and arduous cases like this,) if we did not look, not to the *immediate*, not to the *retrospective*, but to the *provident* operation of justice. Its chief operation is in its future example; and this turns the balance, upon the total effect, in favour of vindictive justice, and in some measure reconciles a pious and humble mind to this great, mysterious dispensation of the world.

Upon the charge of delay in this particular Cause, my Lords, I have only to say, that the business before you is of immense magnitude. The Prisoner himself says, that all the acts of his life are committed in it. With a due sense of this magnitude, we know that the investigation could not be short to us, nor short to your Lordships; but when we are called upon, as we have been daily, to sympathize with the Prisoner in that delay, my Lords, we must tell you, that we have no sympathy with him. Rejecting, as we have done, all false, spurious, and hypocritical virtues, we should hold it to be the greatest of all crimes, to bestow upon the oppressors that pity which belongs to the oppressed. The unhappy persons who are wronged, robbed, and despoiled, have no remedy but in the sympathies of mankind; and when these sympathies

are

are suffered to be debauched, when they are perversely carried from the victim to the oppressor, then we commit a robbery still greater than that which was committed by the criminal accused.

My Lords, we do think this process long, we lament it in every sense in which it ought to be lamented; but we lament still more that the Begums have been so long without having a just punishment inflicted upon their spoiler. We lament that Cheit Sing has so long been a wanderer, while the man who drove him from his dominions is still unpunished. We are sorry that Nobkissen has been cheated of his money for fourteen years, without obtaining redress. These are our sympathies, my Lords, and thus we reply to this part of the Charge.

My Lords, there are some matters of fact in this charge of delay, which I must beg your Lordships will look into. On the 19th of February 1789, the Prisoner presented a petition to your Lordships, in which he states, after many other complaints, that a great number of his witnesses were obliged to go to India, by which he has lost the benefit of their testimony; and that a great number of your Lordships' body were dead, by which he has lost the benefit of their judgment. As to the hand of God, though some Members of your House may have de-

parted this life since the commencement of this Trial, yet the body always remains entire. The evidence before you is the same ; and therefore there is no reason to presume that your final judgment will be affected by these afflicting dispensations of Providence. With regard to his witnesses, I must beg to remind your Lordships of one extraordinary fact. This Prisoner has sent to India, and obtained, not testimonies, but testimonials to his general good behaviour. He has never once applied, by commission or otherwise, to falsify any one fact that is charged upon him. No, my Lords, not one ; therefore that part of his petition, which states the injury he has received from the Commons of Great Britain, is totally false and groundless ; for if he had any witnesses to examine, he would not have failed to examine them. If he had asked for a commission to receive their depositions, a commission would have been granted ; if, without a commission, he had brought affidavits to facts, or regular recorded testimony, the Commons of Great Britain would never have rejected such evidence, even though they could not have cross-examined it.

Another complaint is, that many of his witnesses were obliged to leave England, before he could make use of their evidence. My Lords, no delay in the Trial has prevented him from producing

producing any evidence, for we were willing that any of his witnesses should be examined at any time most convenient to himself. If many persons connected with his measures are gone to India, during the course of his Trial, many others have returned to England. Mr. Larkins returned; was the Prisoner willing to examine him? No; and it was nothing but downright shame, and the presumptions which he knew would be drawn against him, if he did not call this witness, which finally induced him to make use of his evidence. We examined Mr. Larkins, my Lords; we examined all the Prisoners witnesses; your Lordships have their testimony; and down to this very hour, he has not put his hand upon any one, whom he thought a proper and essential witness to the facts, or to any part of the Cause, whose examination has been denied him; nor has he even stated, that any man, if brought here, would prove such and such points. No, not one word to this effect has ever been stated by the Prisoner.

There is, my Lords, another case, which was noticed by my honourable Fellow Manager yesterday. Mr. Belli, the confidential secretary of the Prisoner, was agent and contractor for stores; and this raised a suspicion, that the contracts were held by him for the Prisoner's advantage. Mr. Belli was here during the whole time of the

trial, and six weeks after we had closed our evidence. We had then no longer the arrangement of the order of witnesses, and he might have called whom he pleased. With the full knowledge of these circumstances, that witness did he suffer to depart for India, if he did not even encourage his departure. This, my Lords, is the kind of damage, which he has suffered by the want of witnesses, through the protraction of this trial.

But the great and serious evil which he complains of, as being occasioned by our delay, is of so extraordinary a nature, that I must request your Lordships to examine it with extraordinary strictness and attention. In the petition before your Lordships, the Prisoner asserts, that he was under the necessity, through his counsel and solicitors, "of collecting and collating from the voluminous records of the Company the whole history of his publick life, in order to form a complete defence to every allegation, which the Honourable House of Commons had preferred against him. And that he has expended upwards of thirty thousand pounds in preparing the materials of his defence."

It is evident, my Lords, that the expenditure of this thirty thousand pounds is not properly connected with the delay of which he complains; for he states, that he had incurred this loss

merely in collecting and collating materials, previous to his defence before your Lordships. If this were true, and your Lordships were to admit the amount as a rule and estimate by which the aggregate of his loss could be ascertained; the application of the rule of three to the sum and time given, would bring out an enormous expenditure in the long period which has elapsed since the commencement of the trial. So enormous, that if this monstrous load of oppression has been laid upon him by the delay of the Commons, I believe no man living can stand up in our justification. But, my Lords, I am to tell your Lordships some facts, into which we trust *You* will inquire; for this business is not in our hands, nor can we lay it as a charge before you. Your own Journals have recorded the document, in which the Prisoner complains bitterly of the House of Commons, and indeed of the whole Judicature of the Country; a complaint which your Lordships will do well to examine.

When we first came to a knowledge of this petition, which was not till some time after it was presented, I happened to have conversation with a noble Lord, I know not whether he be in his place in the House or not; but I think I am not irregular in mentioning his name. When I mention Lord Suffolk, I name a Peer, whom honour, justice, veracity, and every virtue that

distinguishes the man and the peer, would claim for their own. My Lord Suffolk told me, that, in a conversation with the late Lord Dover, who brought the Prisoner's petition into your House, he could not refrain from expressing his astonishment at that part of the petition, which related to the expense Mr. Hastings had been at; and particularly as a complaint had been made in the House, of the enormous expense of the prosecution, which at that time had only amounted to fourteen thousand pounds, although the expense of the prosecutor is generally greater than that of the defendant, and publick proceedings more expensive than private ones. Lord Dover said, that before he presented the petition he had felt exactly in the same manner; but that Mr. Hastings assured him, that six thousand pounds had been paid to copying clerks in the India House, and that from this circumstance he might judge of the other expenses. Lord Dover was satisfied with this assurance; and presented the petition, which otherwise he should have declined to do, on account of the apparent enormity of the allegation it contained. At the time when Lord Suffolk informed me of these particulars, (with a good deal of surprise and astonishment) I had not leisure to go down to the India House in order to make inquiries concerning them, but I afterwards asked the Secretary,

Mr.

Mr. Hudson, to whom *we* had given a handsome reward, what sums he had received from Mr. Hastings, for his services upon this occasion; and the answer was "not one shilling!" Not one shilling had Mr. Hudson received from Mr. Hastings. The Clerks of the Company informed us, that the Court of Directors had ordered, that every paper which Mr. Hastings wanted should be copied for him gratuitously; and that if any additional clerks were wanting for the effectual execution of his wishes, the expense would be defrayed by the Directors. Hearing this account, I next inquired what *expedition-money* might have been given to the clerks, for we know something of this kind is usually done. In reply to this question, Mr. Hudson told me, that at various times they had received in little driblets to the amount of ninety-five pounds, or thereabouts. In this way the account stood when I made this inquiry, which was at least half a year after the petition had been presented to your Lordships. Thus the whole story of the six thousand pounds was absolutely false. At that time there was not one word of truth in it, whatever be the amount of the sums which he has paid since. Your Lordships will now judge, whether you have been abused by false allegations or not; allegations which could scarcely

scarcely admit of being true, and which upon the best inquiry I found absolutely false: and I appeal to the testimony of the noble Lord, who is now living, for the truth of the account he received from the worthy and respectable Peer, whose loss the nation has to bewail.

There are many other circumstances of fraud and falsehood attending this petition;—(we must call things by their proper names, my Lords,)—there are, I say, many circumstances of fraud and falsehood. We know it to have been impossible at the time of presenting this petition, that this man should have expended thirty thousand pounds in the preparation of materials for his defence, and your Lordships' justice together with the credit of the House of Commons are concerned in the discovery of the truth. There is indeed an ambiguous word in the petition. He asserts, that he is *engaged* for the payment of that sum. We asked the clerks of the India House, whether he had given them any bond, note, security, or promise of payment; they assured us, that he had not: they will be ready to make the same assurance to your Lordships, when you come to inquire into this matter, which before you give judgment we desire and claim that you will do. All is concealment and mystery, on the side of the Prisoner;

Prisoner; all is open and direct, with us. We are desirous, that every thing which is concealed may be brought to light.

In contradiction then to this charge of oppression and of an attempt to ruin his fortune, your Lordships will see, that at the time when he made this charge he had not been in fact, nor was for a long time after, one shilling out of pocket. But some other person had become security to his attorney for him.—What then are we to think of these men of business, of these friends of Mr. Hastings, who, when he is possessed of nothing, are contented to become responsible for thirty thousand pounds? (Was it thirty thousand pounds out of the Bullock Contracts?) Responsible I say for this sum, in order to maintain this suit previous to its actual commencement; and who consequently must be so engaged for every article of expense that has followed from that time to this.

Thus much we have thought it necessary to say upon this part of the recriminatory charge of delay. With respect to the delay in general, we are at present under an account to our Constituents upon that subject. To them we shall give it. We shall not give any further account of it to your Lordships; the means belong to us as well as to you of removing these charges. Your Lordships may inquire upon oath, as we have

have done in our Committee, into all the circumstances of these allegations; I hope your Lordships will do so, and will give the Commons an opportunity of attending and assisting at this most momentous and important inquiry.

The next recriminatory charge made upon us by the Prisoner, is, that merely to throw an odium upon him we have brought forward a great deal of irrelevant matter, (which could not be proved regularly in the course of examination at your Bar;) and particularly in the opening speech, which I had the honour of making on the subject.

Your Lordships know very well, that we stated in our Charge, that great abuses had prevailed in India: that the Company had entered into covenants with their servants respecting those abuses: that an Act of Parliament was made to prevent their recurrence, and that Mr. Hastings still continued in their practice. Now, my Lords, having stated this, nothing could be more regular, more proper and more pertinent, than for us to justify both the covenants required by the Company, and the Act made to prevent the abuses which existed in India. We therefore went through those abuses; we stated them, and were ready to prove every material word and article in them. Whether they were personally relevant or irrelevant to the Prisoner, we cared nothing.

nothing. We were to make out from the records of the House, (which records I can produce whenever I am called upon for them,) all these articles of abuse and grievance: and we have stated these abuses as the grounds of the Company's provisional covenants with its servants, and of the Act of Parliament. We have stated them under two heads, violence and corruption; for these crimes will be found, my Lords, in almost every transaction with the Native Powers; and the Prisoner is directly or indirectly involved in every part of them. If it be still objected, that these crimes are irrelevant to the charge, we answer, that we did not introduce them as matter of charge. We say they were not irrelevant to the proof of the preamble of our charge, which preamble is perfectly relevant in all its parts. That the matters stated in it are perfectly true, we vouch the House of Commons; we vouch the very persons themselves, who were concerned in the transactions. When Arabic authors are quoted, and Oriental tales told about *flashes of lightning* and *three seals*, we quote the very parties themselves giving this account of their own conduct to a Committee of the House of Commons.

Your Lordships will remember, that a Most reverend Prelate, who cannot be named without every mark of respect and attention, conveyed a petition

a petition to your Lordships, from a gentleman concerned in one of those narratives. Upon your Lordships table that petition still lies. For the production of this narrative we are not answerable to this House; your Lordships could not make us answerable to him; but we are answerable to our own House, we are answerable to our own honour, we are answerable to all the Commons of Great Britain, for whatever we have asserted in their name. Accordingly, General Burgoyne, then a member of this Committee of Managers, and myself, went down into the House of Commons; we there re-stated the whole affair; we desired that an inquiry should be made into it, at the request of the parties concerned. But, my Lords, they have never asked for inquiry from that day to this. Whenever he or they who are criminated, not by us, but in this volume of Reports that is in my hand, desire it, the House will give them all possible satisfaction upon the subject.

A similar complaint was made to the House of Commons by the Prisoner, that matters irrelevant to the Charge were brought up hither. Was it not open to him, and has he had no friends in the House of Commons, to call upon the House during the whole period of this proceeding, to examine into the particulars adduced in justification of the preamble of the Charge against

against him; in justification of the covenants of the Company; in justification of the Act of Parliament? It was in his power to do it, it is in his power still; and if it be brought before that Tribunal, to which I and my Fellow Managers are alone accountable, we will lay before that Tribunal such matters as will sufficiently justify our mode of proceeding, and the resolution of the House of Commons. I will not, therefore, enter into the particulars (because they cannot be entered into by your Lordships,) any further than to say, that if we had ever been called upon to prove the allegations which we have made, not in the nature of a charge, but as bound in duty to this Court, and in justice to ourselves, we should have been ready to enter into proof. We offered to do so, and we now repeat the offer.

There was another complaint in the Prisoner's petition, which did not apply to the words of the preamble, but to an allegation in the Charge, concerning abuses in the revenue, and the ill consequences which arose from them. I allude to those shocking transactions which nobody can mention without horror, in Rampore and Dinagepore, during the government of Mr. Hastings, and which we attempted to bring home to him. What did he do in this case? Did he endeavour to meet these charges fairly, as he might have done?

done? No, my Lords, what he said merely amounted to this; —examination into these charges would vindicate my reputation before the world; but "I, who am the guardian of my own honour, and my own interests," choose to avail myself of the rules and orders of this House, and I will not suffer you to enter upon that examination.

My Lords, we admit you are the interpreters of your own rules and orders. We likewise admit that our own honour may be affected by the character of the evidence which we produce to you. But, my Lords, they who withhold their defence, who suffer themselves, as they say, to be cruelly criminated by unjust accusation, and yet will not permit the evidence of their guilt or innocence to be produced, are themselves the causes of the irrelevancy of all these matters. It cannot justly be charged on us; for we have never offered any matter here, which we did not declare our readiness upon the spot to prove. Your Lordships did not think fit to receive that proof. We do not now censure your Lordships for your determination; that is not the business of this day. We refer to your determination for the purpose of shewing the falsehood of the imputation, which the Prisoner has cast upon us, of having oppressed him by delay and irrelevant matter. We refer to it,

in

in order to shew that the oppression rests with himself; that it is all his own.

Well, but Mr. Hastings complained also to the House of Commons. Has he pursued the complaint? No, he has not; and yet this Prisoner, and these gentlemen, his learned counsel, have dared to reiterate their complaints of us at your Lordships' bar; while we have always been, and still are, ready to prove both the atrocious nature of the facts, and that they are *referable* to the Prisoner at your bar. To this, as I have said before, the Prisoner has objected. This we are not permitted to do by your Lordships: and therefore, without presuming to blame your determination, I repeat that we throw the blame directly upon himself, when he complains that his private character suffers without the means of defence, since he objects to the use of means of defence which are at his disposal.

Having gone through this part of the Prisoner's recriminatory charge, I shall close my observations on his demeanour, and defer my remarks on his complaint of our ingratitude until we come to consider his set-off of services.

The next subject for your Lordships' consideration is the principle of the Prisoner's defence; and here we must observe, that, either by confession or conviction, we are possessed of the facts, and perfectly agreed upon the matter at

issue between us. In taking a view of the laws, by which you are to judge, I shall beg leave to state to you upon what principles of law the House of Commons has criminated him, and upon what principles of law, or pretended law, he justifies himself; for these are the matters at issue between us: the matters of fact, as I have just said, being determined, either by confession on his part, or by proof on ours.

My Lords, we acknowledge that Mr. Hastings was invested with discretionary power, but we assert, that he was bound to use that power according to the established rules of political morality, humanity, and equity. In all questions relating to foreign powers, he was bound to act under the law of nature and under the law of nations, as it is recognised by the wisest authorities in publick jurisprudence. In his relation to this country, he was bound to act according to the laws and statutes of Great Britain, either in their letter or in their spirit; and we affirm, that in his relation to the people of India, he was bound to act according to the largest and most liberal construction of their laws, rights, usages, institutions, and good customs; and we furthermore assert, that he was under an express obligation to yield implicit obedience to the Court of Directors. It is upon these rules and principles the Commons contend, that Mr. Hastings ought

to

to have regulated his government; and not only Mr. Hastings, but all other governours. It is upon these rules that he is responsible, and upon these rules, and these rules only, your Lordships are to judge.

My Lords, long before the Committee had resolved upon this impeachment, we had come, as I have told your Lordships, to forty-five resolutions, every one criminatory of this man, every one of them bottomed upon the principles which I have stated. We never will, nor can we abandon them; and we therefore do not supplicate your Lordships upon this head, but claim and demand of right, that you will judge him upon those principles, and upon no other. If once they are evaded, you can have no rule for your judgment but your caprices and partialities.

Having thus stated the principles upon which the Commons hold him and all governours responsible, and upon which we have grounded our impeachment, and which must be the grounds of your judgment, (and your Lordships will not suffer any other ground to be mentioned to you,) we will now tell you what are the grounds of his defence.

He first asserts, that he was possessed of an arbitrary and despotick power, restrained by no laws but his own will. He next says, that "the

" rights of the people he governed in India are " nothing, and that the rights of the govern- " ment are every thing." The people, he asserts, have no liberty, no laws, no inheritance, no fixed property, no descendable estate, no subordinations in society, no sense of honour, or of shame; and that they are only affected by punishment so far as punishment is a corporal infliction; being totally insensible of any difference between the punishment of man and beast. These are the principles of his Indian government, which Mr. Hastings has avowed in their full extent. Whenever precedents are required, he cites and follows the example of avowed tyrants, of Ali Verdi Khan, Cossim Ali Khan, and Sujah Dowlah. With an avowal of these principles he was pleased first to entertain the House of Commons, the *active* asserters and conservators of the rights, liberties, and laws of his country; and then to insist upon them more largely and in a fuller detail before this awful tribunal, the *passive* judicial conservator of the same great interests. He has brought out these blasphemous doctrines in this great Temple of Justice, consecrated to Law and Equity for a long series of ages. He has brought them forth in Westminster Hall, in presence of all the Judges of the land, who are to execute the law, and of the House of Lords, who are bound as its guardians not

not to suffer the words "arbitrary power," to be mentioned before them. For I am not again to tell your Lordships, that arbitrary power is treason in the law; that to mention it with law, is to commit a contradiction in terms. They cannot exist in concert; they cannot hold together for a moment.

Let us now hear what the prisoner says, "The "sovereignty, which they [the Soubahdars, or "Viceroys of the Mogul Empire] assumed, it fell "to my lot, very unexpectedly, to exert; and "whether or not such power, or powers of that "nature, were delegated to me by any provisions "of any Act of Parliament I confess myself too "little of a lawyer to pronounce. I only know, "that the acceptance of the sovereignty of Be-"nares, &c. is not acknowledged or admitted "by any Act of Parliament; and yet, by the "particular interference of the majority of the "Council, the Company is clearly and indis-"putably seized of that sovereignty. If, there-"fore, the *sovereignty* of Benares, as ceded to "us by the Vizier, have *any rights whatever* an-"nexed to it, (and be not a mere empty word "without meaning) those rights must be such as "are held, countenanced, and established by the "law, custom, and usage of the Mogul Empire, "and not by the provisions of any British Act "of Parliament hitherto enacted. *Those rights*,

" and none other, I have been the involuntary
" instrument of enforcing. And if any future
" Act of Parliament shall positively, or by im-
" plication, tend to annihilate those very rights,
" or their exertion, as I have exerted them, I
" much fear, that the boasted sovereignty of
" Benares, which was held up as an acquisition
" almost obtruded on the Company against my
" consent and opinion, (for I acknowledge,
" that even then I foresaw many difficulties
" and inconveniences in its future exercise;)
" I fear, I say, that this sovereignty will be
" found a burden instead of a benefit, a
" heavy clog rather than a precious gem to its
" present possessors; I mean, unless the whole
" of our territory in that quarter shall be
" rounded and made an uniform compact body
" by one grand and systematick arrangement;
" such an arrangement as shall do away all
" the mischiefs, doubts, and inconveniences,
" (both to the governours and the governed)
" arising from the variety of tenures, rights,
" and claims in all cases of landed property
" and feudal jurisdiction in India, from the
" informality, invalidity, and instability of all
" engagements in so divided and unsettled a
" state of society; and from the unavoidable
" anarchy and confusion of different laws, re-
" ligions, and prejudices, moral, civil, and poli-
" tical

" tical, all jumbled together in one unnatural
" and discordant mass. Every part of Hin-
" dostan has been constantly exposed to these
" and similar disadvantages ever since the
" Mahommedan conquests. The Hindûs, who
" never incorporated with their conquerors, were
" kept in order only by the strong hand of
" power. The constant necessity of similar
" exertions would increase at once their energy
" and extent, so that rebellion itself is the
" parent and promoter of *Despotism*. Sove-
" reignty in India implies nothing else. For
" I know not how we can form an estimate of
" its powers, but from its visible effects, and
" those are every where the same from Cabool
" to Assam. The whole history of Asia is
" nothing more than precedents to prove the
" invariable exercise of arbitrary power. To
" all this I strongly alluded in the minutes I
" delivered in Council, when the treaty with
" the new Vizier was on foot in 1775; and I
" wished to make Cheyt Sing independent, be-
" cause in India dependence included a thou-
" sand evils, many of which I enumerated at
" that time, and they are entered in the ninth
" clause of the first section of this Charge. I
" knew the powers with which an Indian
" sovereignty is armed, and the dangers, to
" which Tributaries are exposed. I knew, that,

" from the history of Asia, and from the very " nature of mankind, the subjects of a despotick " empire are always vigilant for the moment to " rebel, and the sovereign is ever jealous of " rebellious intentions. A zemindar is an Indian " subject, and as such exposed to the common " lot of his fellows. *The mean and depraved* " *state of a mere zemindar* is therefore this very " dependence above-mentioned on a despotick " government, this very proneness to shake off " his allegiance, and this very exposure to con- " tinual danger from his sovereign's jealousy, " which are consequent on the political state of " Hindostanick governments. Bulwant Sing, " if he had been, and Cheyt Sing, as long as he " was, a zemindar, stood exactly in this *mean* " *and depraved state* by the constitution of his " country. I did not make it for him, but " would have secured him from it. Those, " who made him a zemindar, entailed upon him " the consequences of so mean and depraved a " tenure. Ally Verdy Khaun and Cossim Ally " fined all their zemindars on the necessities " of war, and on every pretence either of court ". necessity or court extravagance."

I beseech your Lordships seriously to look upon the whole nature of the principles upon which the Prisoner defends himself. He appeals to the custom and usage of the Mogul empire; and

d the constitution of that empire, is, he says, bitrary power. He says, that he does not ow whether any Act of Parliament bound m not to exercise this arbitrary power; and at if any such Act should in future be made, would be mischievous and ruinous to our npire in India. Thus he has at once repealed preceding Acts, he has annulled by prospect ery future Act you can make; and it is not in e power of the Parliament of Great Britain, thout ruining the empire, to hinder his ex- cising this despotick authority. All Asia is by n disfranchized at a stroke. Its inhabitants ve no rights, no laws, no liberties, their state mean and depraved: they may be fined for y purpose of court extravagance, or prodi- lity; or as Cheit Sing was fined by him, not ly upon every war, but upon every pretence war.

This is the account he gives of his power and the people subject to the British Government India. We deny, that the Act of Parliament ve him any such power; we deny, that the dia Company gave him any such power; or at they had ever any such power to give. We en deny, that there exists in all the human ce a power to make the government of any ate dependent upon individual will: we dis- im, we reject all such doctrines with disdain and

and indignation; and we have brought them up to your Lordships to be tried at your Bar.

What must be the condition of the people of India, governed, as they have been, by persons who maintain these principles as maxims of government, and not as occasional deviations caused by the irregular will of man; principles by which the whole system of society is to be controlled; not by law, reason, or justice, but by the will of one man?

Your Lordships will remark, that not only the whole of the laws, rights, and usages, but the very being of the people, are exposed to ruin; for Mr. Hastings says, that the people may be fined, that they may be exiled, that they may be imprisoned, and that even their lives are dependent upon the mere will of their foreign master: and that he, the Company's governour, exercised that will under the authority of this country. Remark, my Lords, his application of this doctrine. I would, he says, have kept Cheit Sing from the consequences of this dependence, by making him independent, and not in any manner subjecting him to our government. The moment he came into a state of dependence upon the British Government, all these evils attached upon him. It is, he adds, disagreeable to me to exert such powers, but I know they must be exerted, and I declare there is no security

from this arbitrary power, but by having nothing to do with the British Government.

My Lords, the House of Commons has already well considered what may be our future moral and political condition when the persons who come from that school of pride, insolence, corruption, and tyranny, are more intimately mixed up with us of purer morals. Nothing but contamination can be the result, nothing but corruption can exist in this Country, unless we expunge this doctrine out of the very hearts and souls of the people. It is not to the gang of plunderers and robbers, of which I say this man is at the head, that we are only, or indeed principally, to look. Every man in Great Britain will be contaminated and must be corrupted, if you let loose among us whole legions of men, generation after generation, tainted with these abominable vices, and avowing these detestable principles. It is therefore to preserve the integrity and honour of the Commons of Great Britain, that we have brought this man to your Lordships' Bar.

When these matters were first explained to your Lordships, and strongly enforced by abilities greater than I can exert, there was something like compunction shewn by the Prisoner: but he took the most strange mode to cover his guilt. Upon the cross-examination of Major Scott

Scott he discovered all the engines of this Indian corruption. Mr. Hastings got that witness to swear, that this defence of his, from which the passages I have read to your Lordships are extracted, was not his, but that it was the work of his whole Council, composed of Mr. Middleton, Mr. Shore, Mr. Halhed, Mr. Baber, the whole body of his Indian Cabinet Council;—that this was their work and not his; and that he disclaimed it, and therefore that it would be wrong to press it upon him. Good God, my Lords, what shall we say in this stage of the business? The Prisoner put in an elaborate defence, he now disclaims that defence. He told us, that it was of his own writing, that he had been able to compose it in five days, and he now gets five persons to contradict his own assertions, and to disprove on oath his most solemn declarations.

My Lords, this business appears still more alarming, when we find, not only Mr. Hastings, but his whole Council engaged in it. I pray your Lordships to observe, that Mr. Halhed, a person concerned with Mr. Hastings in compiling a code of Gentoo Laws, is now found to be one of the persons to whom this very defence is attributed, which contains such detestable and abominable doctrines. But are we to consider the contents of this paper as the defence of

of the Prisoner, or not? Will any one say, that when an answer is sworn to in Chancery, when an answer is given here to an Impeachment of the Commons, or when a plea is made to an Indictment, that it is drawn by the defendant's counsel and therefore is not his? Did we not all hear him read this defence in part at our bar, did we not see him hand it to his secretary to have it read by his son, did he not then hear it read from end to end; did not he himself desire it to be printed, (for it was no act of ours,) and did he not superintend and revise the press, and has any breath but his own breathed upon it? No, my Lords, the whole composition is his by writing or adoption, and never till he found it pressed him in this House; never till your Lordships began to entertain the same abhorrence of it that we did, did he disclaim it.

But mark another stage of the propagation of these horrible principles. After having grounded upon them the defence of his conduct against our Charge, and after he had got a person to forswear them for him, and to prove him to have told falsehoods of the grossest kind to the House of Commons, he again adheres to this defence. The dog returned to his vomit. After having vomited out his vile, bilious stuff of arbitrary power, and afterwards denied it to be his, he gets his counsel in this place to resort to the loathsome

loathsome mess again. They have thought proper, my Lords, to enter into an extended series of quotations from books of travellers, for the purpose of shewing that despotism was the only principle of government acknowledged in India; that the people have no laws, no rights, no property moveable or immoveable, no distinction of ranks, nor any sense of disgrace. After citing a long line of travellers to this effect, they quote Montesquieu as asserting the same facts, declaring that the people of India had no sense of honour, and were only sensible of the whip as far as it produced corporal pain. They then proceed to state, that it was a government of misrule, productive of no happiness to the people, and that it so continued until subverted by the free government of Britain, namely, the government that Mr. Hastings describes as having himself exercised there.

My Lords, if the Prisoner can succeed in persuading us that these people have no laws, no rights, not even the common sentiments and feeling of men, he hopes your interest in them will be considerably lessened. He would persuade you, that their sufferings are much assuaged, by their being nothing new; and that having no right to property, to liberty, to honour, or to life, they must be more pleased with the little that is left to them, than grieved for

for the much that has been ravished from them, by his cruelty and his avarice. This inference makes it very necessary for me, before I proceed further, to make a few remarks upon this part of the Prisoner's conduct, which your Lordships must have already felt with astonishment, perhaps with indignation. This man, who passed twenty-five years in India, who was fourteen years at the head of his government, master of all the offices, master of all the registers and records, master of all the lawyers and priests of all this empire, from the highest to the lowest, instead of producing to you the fruits of so many years local and official knowledge upon that subject, has called out a long line of the rabble of travellers, to inform you concerning the objects of his own government. That his learned counsel should be ignorant of those things, is a matter of course. That, if left to himself, the person, who has produced all this stuff, should, in pursuit of his darling arbitrary power, wander without a guide, or with false guides, is quite natural. But your Lordships must have heard with astonishment, that, upon points of law, relative to the tenure of lands, instead of producing any law document or authority on the usages and local customs of the country, he has referred to officers in the army, colonels of artillery and engineers, to young gentlemen

gentlemen just come from school, not above three or four years in the country. Good God! would not one rather have expected to hear him put all these travellers to shame by the authority of a man, who had resided so long in the supreme situation of government; to set aside all these wild, loose, casual and silly observations of travellers and theorists? On the contrary, as if he was ignorant of every thing, as if he knew nothing of India, as if he had dropt from the clouds, he cites the observations of every stranger who had been hurried in a palanquin through the country, capable or incapable of observation, to prove to you the nature of the government, and of the power he had to exercise.

My Lords, the Commons of Great Britain are not disposed to resort to the ridiculous relations of travellers, or to the wild systems which ingenious men have thought proper to build on their authority; we will take another mode. We will undertake to prove the direct contrary of his assertions in every point and particular. We undertake to do this, because your Lordships know, and because the world knows, that if you go into a country, where you suppose man to be in a servile state; where, the despot excepted, there is no one person who can lift up his head above another; where all are a set of

vile

vile, miserable slaves, prostrate and confounded in a common servitude, having no descendable lands, no inheritance, nothing that makes man feel proud of himself, or that gives him honour and distinction with others:—this abject degradation will take from you that kind of sympathy, which naturally attaches you to men feeling like yourselves, to men who have hereditary dignities to support, and lands of inheritance to maintain, as you Peers have; you will, I say, no longer have that feeling which you ought to have for the sufferings of a people, whom you suppose to be habituated to their sufferings, and familiar with degradation.

This makes it absolutely necessary for me to refute every one of these misrepresentations; and whilst I am endeavouring to establish the rights of these people, in order to shew in what manner and degree they have been violated, I trust that your Lordships will not think that the time is lost; certainly I do not think that my labour will be mis-spent, in endeavouring to bring these matters fully before you.

In determining to treat this subject at length, I am also influenced by a strong sense of the evils that have attended the propagation of these wild, groundless, and pernicious opinions. A young man goes to India before he knows much of his own country; but he cherishes in his

breast, as I hope every man will, a just and laudable partiality for the laws, liberties, rights, and institutions of his own nation; we all do this, and God forbid we should not prefer our own to every other country in the world; but if we go to India with an idea of the mean, degraded state of the people that we are to govern, and especially if we go with these impressions at an immature age, we know that, according to the ordinary course of human nature, we shall not treat persons well whom we have learnt to despise. We know that people, whom we suppose to have neither laws or rights, will not be treated by us as a people who have laws and rights. This error, therefore, for our sake, for your sake, for the sake of the Indian publick, and for the sake of all those who shall hereafter go in any station to India, I think it necessary to disprove in every point.

I mean to prove the direct contrary of every thing that has been said on this subject by the Prisoner's counsel, or by himself. I mean to prove, that the people of India have laws, rights, and immunities; that they have property, moveable and immoveable, descendable as well as occasional: that they have property held for life, and that they have it as well secured to them by the laws of their Country, as any property is secured in this Country: that they feel for honour, not

only as much as your Lordships can feel, but with a *more* exquisite and poignant sense than any people upon earth; and that when punishments are inflicted, it is not the lash they feel, but the disgrace: in short, I mean to prove, that every word which Montesquieu has taken from idle and inconsiderate travellers is absolutely false.

The people of India are divided into three kinds; the original natives of the country, commonly called Gentoos, the descendants of the Persians and Arabians, who are Mahometans, and the descendants of the Moguls, who originally had a religion of their own, but are now blended with the other inhabitants.

The primeval law of that country is the Gentoo law; and I refer your Lordships to Mr. Halhed's translation of that singular code. A work which I have read with all the care that such an extraordinary view of human affairs, and human constitutions deserves. I do not know whether Mr. Halhed's compilation is in evidence before your Lordships, but I do know that it is good authority on the Gentoo law. Mr. Hastings, who instructed his Counsel to assert, that the people have "no rights, no law," ought to be well acquainted with this work, because he claimed for awhile the glory of the compilation, although Nobkissin, as your Lord-

ships remember, was obliged to pay the expense. This book, a compilation of probably the most ancient laws in the world, if we except the Mosaic, has in it the duty of the magistrate, and the duty of all ranks of subjects most clearly and distinctly ascertained; and I will give up the whole cause, if there is, from one end to the other of this code, any sort of arbitrary power claimed or asserted on the part of the magistrate; or any declaration, that the people have no rights of property. No; it asserts the direct contrary.

First, the people are divided into classes and ranks, with more accuracy of distinction than is used in this Country, or in any other country under heaven. Every class is divided into families, some of whom are more distinguished and more honourable than others; and they all have rights, privileges, and immunities belonging to them. Even in cases of conquest, no confiscation is to take place. A Bramin's estate comes by descent to him; it is for ever descendable to his heirs, if he has heirs; and if he has none, it belongs to his disciples, and those connected with him in the Braminical cast. There are other immunities declared to belong to this cast, in direct contradiction to what has been asserted by the Prisoner. In no case shall a Bramin suffer death; in no case shall the property of a Bramin, male

or female, be confiscated for crime, or escheat for want of heirs. The law then goes on to other casts, and gives to each its property, and distinguishes them with great accuracy of discrimination.

Mr. Hastings says, that there is no inheritable property among them. Now, you have only to look at page 27, chapter the second, the title of which is, "*Of the division of inheritable property.*" There, after going through all the nicety of pedigree, it is declared, that "when "a father, or grandfather, a great grandfather, "or any relations of that nature decease, or lose "their cast, or renounce the world, or are desirous to give up their property; their sons, "grandsons, great grandsons, and other natural "heirs, may divide and assume their glebe lands, "orchards, jewels, corals, clothes, furniture, "cattle and birds, and all the estate, real and "personal." My Lords, this law recognises this kind of property, it regulates it with the nicest accuracy of distinction; it settles the descent of it in every part and circumstance. It no where asserts (but the direct contrary is positively asserted,) that the magistrate has any power whatever over property. It states that it is the magistrate's duty to protect it; that he is bound to govern by law; that he must have a council of Bramins to assist him in every material act

that he does; in short, my Lords, there is not even a trace of arbitrary power in the whole system.

My Lords, I will mention one article to let you see in a very few words, that these Gentoos not only have an inheritance, but that the law has established a right of *acquiring* possession in the property of another by prescription. The passage stands thus: "If there be a person, "who is not a minor, (a man ceases to be a "minor at fifteen years of age,) nor impotent, "nor diseased, nor an idiot, nor so lame as not "to have power to walk, nor blind, nor one who, "on going before a magistrate, is found incapable of distinguishing and attending to his "own concerns, and who has not given to "another person power to employ and to use his "property; if, in the face of any such person, "another man has applied to his own use, during "the space of twenty years, the glebe land, or "houses, or orchards of that person, without "let or molestation from him, from the twenty-"first year the property becomes invested in "the person so applying such things to his own "use; and any claim of the first person above-"mentioned, upon such glebe houses or or-"chards, shall by no means stand good: but if "the person before-mentioned comes under any "of the circumstances hereinbefore described,

"his

" his claim in that case shall stand good." Here you see, my Lords, that possession shall, by prescription, stand good against the claims of all persons who are not disqualified from making their claims.

I might, if necessary, shew your Lordships, that the highest magistrate is subject to the law; that there is a case in which he is fineable; that they have established rules of evidence and of pleading; and in short, all the rules which have been formed in other countries, to prevent this very arbitrary power. Notwithstanding all this, the Prisoner at the bar, and his Counsel, have dared to assert, in this sacred Temple of Justice, in the presence of this great assembly, of all the Bishops, of all the Peers, and of all the Judges of this land, that the people of India have no laws whatever.

I do not mean to trouble your Lordships with more extracts from this book. I recommend it to your Lordships' reading; when you will find, that, so far from the magistrate having any power either to imprison arbitrarily, or to fine arbitrarily, the rules of fines are laid down with ten thousand times more exactness than with us. If you here find that the magistrate has any power to punish the people with arbitrary punishment, to seize their property, or to disfranchise them of any rights or privileges,

pain of death, any prince or other person to presume to cause himself to be proclaimed great Khan or Emperor, without being first duly elected by the princes lawfully assembled in general diet. He then established the privileges and immunities granted to the Tunkawns, that is to the nobility and gentry of the country, and afterwards published most severe ordinances against governours who failed in doing their duty, but principally against those who commanded in far distant provinces. This prince was in this case, what I hope your Lordships will be, a very severe judge of the governours of countries remote from the seat of the government.

My Lords, we have in this book sufficient proof that a Tartarian sovereign could not obtain the recognition of ancient laws, or establish new ones, without the consent of his parliament, that he could not ascend the throne, without being duly elected; and that when so elected, he was bound to preserve the great in all their immunities, and the people in all their rights, liberties, privileges, and properties. We find these great princes restrained by laws, and even making wise and salutary regulations for the countries which they conquered. We find Ghinges Khan establishing one of his sons in a particular office, namely, conservator of those laws; and he has ordered, that they should not only be observed

in

in his time, but by all posterity; and accordingly they are venerated at this time in Asia. If then this very Ghinges Khan, if Tamerlane, did not assume arbitrary power, what are you to think of this man, so bloated with corruption, so bloated with the insolence of unmerited power, declaring that the people of India have no rights, no property, no laws; that he could not be bound even by an English Act of Parliament; that he was an arbitrary sovereign in India, and could exact what penalties he pleased from the people, at the expense of liberty, property, and even life itself. Compare this man, this compound of pride and presumption, with Ghinges Khan, whose conquests were more considerable than Alexander's, and yet who made the laws the rule of his conduct; compare him with Tamerlane, whose institutes I have before me. I wish to save your Lordships time, or I could shew you in the life of this prince, that he, violent as his conquests were, bloody as all conquests are, ferocious as a Mahometan making his crusades for the propagation of his religion, he yet knew how to govern his unjust acquisitions with equity and moderation. If any man could be entitled to claim arbitrary power, if such a claim could be justified by extent of conquest, by splendid personal qualities, by great learning and eloquence, Tamerlane was the man who could have

have made and justified the claim. This prince gave up all his time not employed in conquests, to the conversation of learned men. He gave himself to all studies that might accomplish a great man. Such a man I say might, if any may, claim arbitrary power. But the very things that made him great, made him sensible that he was but a man. Even in the midst of all his conquests, his tone was a tone of humility; he spoke of laws, as every man must, who knows what laws are; and though he was proud, ferocious, and violent, in the achievement of his conquests, I will venture to say no prince ever established institutes of civil government more honourable to himself, than the institutes of Timour. I shall be content to be brought to shame before your Lordships, if the Prisoner at your bar can shew me one passage, where the assumption of arbitrary power is even hinted at by this great conqueror. He declares, that the nobility of every country shall be considered as his brethren; that the people shall be acknowledged as his children; and that the learned and the dervises shall be particularly protected. But, my Lords, what he particularly valued himself upon I shall give your Lordships in his own words: "I delivered the oppressed from the "hand of the oppressor; and after proof of "the oppression, whether on the property or

"the

" the person, the decision which I passed be-
" tween them was agreeable to the sacred law;
" and I did not cause any one person to suffer
" for the guilt of another*."

My Lords, I have only further to inform your Lordships, that these institutes of Timour ought to be very well known to Mr. Hastings. He ought to have known, that this prince never claimed arbitrary power, that the principles he adopted were to govern by law, to repress the oppressions of his inferior governours, to recognise in the nobility the respect due to their rank, and in the people the protection to which they were by law entitled. This book was published by Major Davy, and revised by Mr. White. The Major was an excellent Orientalist, he was secretary to Mr. Hastings, to whom, I believe, he dedicated this book. I have inquired of persons the most conversant with the Arabic and Oriental languages; and they are clearly of opinion, that there is internal evidence to prove it of the age of Tamerlane; and he must be the most miserable of criticks, who, reading this work with attention, does not see that if it was not written by this very great monarch himself, it was at least written by some person in his court, and under his immediate inspection. Whether, therefore, this work be the composition

* Institutes of Timour, page 165.

sition of Tamerlane, or whether it was written by some persons of learning near him, through whom he meant to give the world a just idea of his manners, maxims, and government, it is certainly as good authority as Mr. Hastings's *Defence*, which he has acknowledged to have been written by other people.

From the Tartarian, I shall now proceed to the later Mahometan conquerors of Hindostan, for it is fit that I should shew your Lordships the wickedness of pretending that the people of India have no laws or rights. A great proportion of the people are Mahometans; and Mahometans are so far from having no laws or rights, that when you name a Mahometan, you name a man governed by law, and entitled to protection. Mr. Hastings caused to be published, and I am obliged to him for it, a book, called the Hedaia; it is true that he has himself taken credit for the work, and robbed Nobkissin of the money to pay for it; but the value of a book is not lessened because a man stole it. Will you believe, my Lords, that a people having no laws, no rights, no property, no honour, would be at the trouble of having so many writers on jurisprudence? and yet there are, I am sure, at least a thousand eminent Mahometan writers upon law, who have written far more voluminous works than are known in the com-

mon

mon law of England; and I verily believe more voluminous than the writings of the Civilians themselves. That this should be done by a people who have no property, is so perfectly ridiculous as scarcely to require refutation; but I shall endeavour to refute it, and without troubling you a great deal.

First then I am to tell you, that the Mahometans are a people amongst whom the science of jurisprudence is much studied and cultivated, that they distinguish it into the law of the Khoran and its authorized commentaries; into the Fetfa, which is the judicial judgments and reports of adjudged cases; into the Canon, which is the regulations made by the emperour, for the sovereign authority in the government of their dominions; and lastly into the Rage ul Mulk, or custom and usage, the common law of the country, which prevails independent of any of the former.

In regard to punishments being arbitrary, I will with your Lordships permission read a passage, which will shew you that the magistrate is a responsible person. "If a supreme ruler, "such as the caliph for the time being, com- "mit any offence punishable by law, such as "whoredom, theft, or drunkenness, he is not "subject to any punishment, (but yet if he com- "mit murder he is subject to the law of retaliation,

" liation, and he is also accountable in matters " of property,) because *punishment* is a right of " God, the infliction of which is committed to " the caliph (or other supreme magistrate) and " to none else; and he cannot inflict punish- " ment upon himself, as in this there is no " advantage, because the good proposed in " punishment is that it may operate as a warning " to deter mankind from sin, and this is not " obtained by a person's inflicting punishment " upon himself contrary to the rights of the " *individual*, such as the laws of *retaliation* and " of *property*, the penalties of which may be " exacted of the caliph, as the claimant of right " may obtain satisfaction, either by the caliph " empowering him to exact his right from him- " self, or by the claimant appealing for assist- " ance to the collective body of Mussulmans*."

Here your Lordships see that the caliph, who is a magistrate of the highest authority which can exist among the Mahometans, where property or life is concerned, has no arbitrary power, but is responsible, just as much as any other man.

I am now to inform your Lordships, that the sovereign can raise no taxes. The imposing of a tribute upon a Mussulman without his previous

* Hedaia, 2 vol. 34.

previous consent, is impracticable: and so far from all property belonging to the sovereign, the public treasure does not belong to him. It is declared to be the common property of all Mahometans. This doctrine is laid down in many places, but particularly in the 95th page of the second volume of Hamilton's Hedaia.

Mr. Hastings has told you what a sovereign is, and what sovereignty is all over India, and I wish your Lordships to pay particular attention to this part of his defence, and to compare Mr. Hastings's idea of sovereignty with the declaration of the Mahometan law. The 10th chapter of these laws treats of Rebellion, which is defined an act of warfare against the sovereign. You are there told who the sovereign is, and how many kinds of rebels there are. The author then proceeds to say; "The word *bâghee*, "(rebellion) in its literal sense, means prevari-"cation, also injustice and tyranny; in the lan-"guage of the law it is particularly applied to "injustice, namely, withdrawing from obedience "to the rightful *Imâm*, (as appears in the *Fat-"tahal-Kadeen*). By the rightful *Imâm*, is un-"derstood a person in whom all the qualities "essential to magistracy are united, such as "islamism, freedom, sanity of intellect, and "maturity of age,—and who has been elected "into his office by any tribe of *Mussulmans*,

" with their general consent:—whose view and " intention is the advancement of the true re- " ligion, and the strengthening of the Mussul- " mans, and under whom the Mussulmans enjoys " security in person and property; one who " levies tithe and tribute according to law; who " out of the publick treasury pays what is due " to learned men, preachers, Kâzees, Mooftis, " philosophers, publick teachers, and so forth; " and who is just in all his dealings with Mus- " sulmans: for whoever does not answer this " description is not the right *Imâm*, whence it " is not incumbent to support such a one; but " rather it is incumbent to oppose him and make " war upon him, until such time as he either " adopt a proper mode of conduct, or be " slain*."

My Lords, is this a magistrate of the same description as the sovereign delineated by Mr. Hastings? This man must be elected by the general consent of Mussulmans, he must be a protector of the person and property of his subjects, a right of resistance is directly established by law against him, and even the duty of resistance is insisted upon. Am I, in praising this Mahometan law, applauding the principle of elective sovereignty? No, my Lords, I know the

* Hedaia, 2 vol. pp. 247 and 248.

the mischiefs which have attended it: I know, that it has shaken the thrones of most of the sovereigns of the Mussulman religion; but I produce the law as the clearest proof that such a sovereign cannot be supposed to have an arbitrary power over the property and persons of those who elect him, and who have an acknowledged right to resist and dethrone him, if he does not afford them protection.

I have now gone through what I undertook to prove, that Mr. Hastings, with all his Indian council, who have made up this volume of arbitrary power, are not supported by the laws of the Moguls, by the laws of the Gentoos, by the Mahometan laws, or by any law, custom, or usage, which has ever been recognised as legal and valid.

But, my Lords, the prisoner defends himself by example, and, good God! what are the examples which he has chosen? Not the local usages and constitutions of Oude or of any other province; not the general practice of a respectable Emperour like Akbar, which, if it would not fatigue your Lordships, I could shew to be the very reverse of this man's. No, my Lords, the Prisoner, his learned counsel here, and his unlearned cabinet council, who wrote this defence, have ransacked the tales of travellers for examples, and have selected materials from that

mass of loose remarks and crude conceptions, to prove, that the natives of India have neither rights, laws, orders or distinction.

I shall now proceed to shew your Lordships, that the people of India have a keen sense and feeling of disgrace and dishonour. In proof of this I appeal to well-known facts. There have been women tried in India for offences, and acquitted, who would not survive the disgrace even of acquittal. There have been Hindoo soldiers, condemned at a court-martial, who have desired to be blown from the mouth of a cannon, and have claimed rank and precedence at the last moment of their existence, and yet these people are said to have no sense of dishonour! Good God! That we should be under the necessity of proving, in this place, all these things: and of disproving that all India was given in slavery to this man!

But, my Lords, they will shew you, they say, that Ghinges Khan, Khouli Khan, and Tamerlane, destroyed ten thousand times more people in battle than this man did. Good God! Have they run mad? Have they lost their senses in their guilt? Did they ever expect, that we meant to compare this man to Tamerlane, Ghinges Khan, or Khouli Khan? To compare a clerk at a bureau,—to compare a fraudulent bullock contractor (for we could shew, that his first

first elementary malversations were in carrying on fraudulent bullock contracts, which contracts were taken from him with shame and disgrace, and restored with greater shame and disgrace,) to compare him with the conquerors of the world! We never said he was a tiger and a lion; no, we have said he was a weasel and a rat.

We have said, that he has desolated countries by the same means, that plagues of his description have produced similar desolations. We have said, that he, a fraudulent bullock contractor, exalted to great and unmerited powers, can do more mischief than even all the tigers and lions in the world. We know, that a swarm of locusts, although individually despicable, can render a country more desolate than Ghinges Khan or Tamerlane. When God Almighty chose to humble the pride and presumption of Pharaoh, and to bring him to shame, he did not effect his purpose with tigers and lions; but he sent lice, mice, frogs, and every thing loathsome and contemptible to pollute and destroy the country. Think of this, my Lords, and of your listening here to these people's long account of Tamerlane's camp of two hundred thousand persons, and of his building a pyramid at Bagdad with the heads of ninety thousand of his prisoners!

We have not accused Mr. Hastings of being a great General, and abusing his military powers;

we know, that he was nothing at the best, but a creature of the bureau, raised, by peculiar circumstances, to the possession of a power, by which incredible mischief might be done. We have not accused him of the vices of conquerors: when we see him signalized by any conquests we may then make such an accusation; at present we say, that he has been trusted with power much beyond his deserts, and that trust he has grossly abused.—But to proceed—

His counsel, according to their usual audacious manner, (I suppose they imagine, that they are counsel for Tamerlane, or for Ghinges Khan) have thought proper to accuse the Managers for the Commons, of wandering in all the fabulous regions of Indian mythology. My Lords, the Managers are sensible of the dignity of their place, they have never offered any thing to you, without reason. We are not persons of an age, —of a disposition—of a character, representative or natural, to *wanton* as these counsel call it; that is to invent fables concerning Indian antiquity. That they are not ashamed of making this charge, I do not wonder. But we are not to be thus diverted from our course.

I have already stated to your Lordships, a material circumstance of this case, which I hope will never be lost sight of; namely, the different situation in which India stood under the govern-

ment

ment of its native princes and its own original laws, and even under the *dominion* of Mahometan conquerors, from that in which it has stood under the government of a series of tyrants, foreign and domestick, particularly of Mr. Hastings, by whom it has latterly been oppressed and desolated. One of the books which I have quoted, was written by Mr. Halhed; and I shall not be accused of wantoning in fabulous antiquity, when I refer to another living author, who wrote from what he saw, and what he well knew. This author says, "in truth it would be almost cruelty to molest "these happy people," (speaking of the inhabitants of one of the provinces near Calcutta,) "for in this district are the only vestiges of the "beauty, purity, piety, regularity, equity, and "strictness of the ancient Hindoostan govern-"ment: here the property as well as the liberty "of the people is inviolate." My Lords, I do not refer you to this writer because I think it necessary to our justification;—nor from any fear that your Lordships will not do us the justice to believe, that we have good authority for the facts which we state, and do not (as persons with their licentious tongues dare to say) wanton in fabulous antiquity. I quote the works of this author, because his observations and opinions could not be unknown to Mr. Hastings, whose associate he was in some acts, and whose adviser he appears

to have been in that dreadful transaction, the deposition of Cossim Ali Khan. This writer was connected with the Prisoner at your bar in bribery, and has charged him with detaining his bribe. To this Mr. Hastings has answered, that he had paid him long ago. How they have settled that corrupt transaction I know not. I merely state all this, to prove that we have not dealt in fabulous history, and that if any body has dealt in falsehood, it is Mr. Hastings's companion and associate in guilt, who must have known the country, and who, however faulty he was in other respects, had in this case no interest whatever in misrepresentation.

I might refer your Lordships, if it were necessary, to Scrafton's account of that ancient government, in order to prove to you the happy comparative state of that country, even under its former usurpers. Our design, my Lords, in making such references, is not merely to disprove the Prisoner's defence, but to vindicate the rights and privileges of the people of India. We wish to reinstate them in your sympathy. We wish you to respect a people as respectable as yourselves;—a people, who know as well as you, what is rank, what is law, what is property;—a people who know how to feel disgrace, who know what equity, what reason, what proportion in punishments, what security of property is, just as well

as

as any of your Lordships; for these are things which are secured to them by laws, by religion, by declarations of all their sovereigns. And what, my Lords, is opposed to all this?—The practice of tyrants and usurpers, which Mr. Hastings takes for his rule and guidance. He endeavours to find deviations from legal government, and then instructs his counsel to say, that I have asserted there is no such thing as arbitrary power in the East. Good God! if there was no such thing in any other part of the world, Mr. Hastings's conduct might have convinced me of the existence of arbitrary power, and have taught me much of its mischief.

But, my Lords, we all know that there has been arbitrary power in India; that tyrants have usurped it; and that, in some instances, princes otherwise meritorious have violated the liberties of the people, and have been lawfully deposed for such violation. I do not deny, that there are robberies on Hounslow Heath; that there are such things as forgeries, burglaries, and murders; but I say, that these acts are against law, and that whoever commit them commit illegal acts. When a man is to defend himself against a charge of crime, it is not instances of similar violation of law, that is to be the standard of his defence. A man may as well say, I robbed upon Hounslow

Hounslow Heath, but hundreds robbed there before me: to which I answer, the law has forbidden you to rob there; and I will hang you for having violated the law, notwithstanding the long list of similar violations which you have produced as precedents. No doubt princes have violated the law of this country; they have suffered for it. Nobles have violated the law; their privileges have not protected them from punishment. Common people have violated the law; they have been hanged for it. I know no human being exempt from the law. The law is the security of the people of England, it is the security of the people of India, it is the security of every person that is governed, and of every person that governs. There is but one law for all, namely, that law which governs all law, the law of our Creator, the law of Humanity, Justice, Equity:—the law of Nature, and of Nations. So far as any laws fortify this primeval law, and give it more precision, more energy, more effect by their declarations, such laws enter into the Sanctuary, and participate in the sacredness of its character. But the man who quotes as precedents the abuses of tyrants and robbers, pollutes the very fountain of Justice, destroys the foundations of all law, and thereby removes the only safeguard against evil men, whether governours

governours or governed:—the guard which prevents governours from becoming tyrants, and the governed from becoming rebels.

I hope your Lordships will not think that I have unnecessarily occupied your time, in disproving the plea of arbitrary power, which has been brought forward at our bar: has been repeated at your Lordship's bar, and has been put upon the records of both Houses. I hope your Lordships will not think that such monstrous doctrine should be passed over, without all possible pains being taken to demonstrate its falsehood and to reprobate its tendency. I have not spared myself in exposing the principles avowed by the Prisoner. At another time I will endeavour to shew you the manner in which he acted upon these principles. I cannot command strength to proceed further at present; and you, my Lords, cannot give me greater bodily strength than I have.

[Adjourned.

TRIAL

OF

WARREN HASTINGS, ESQ.

30th MAY 1794.

SECOND DAY OF THE REPLY.

(MR. BURKE.)

MY LORDS,

ON the last day of the sitting of this Court, when I had the honour of appearing before you by the order of my Fellow Managers, I stated to you their observations and my own, upon two great points; one the demeanour of the Prisoner at the bar, during his trial, and the other the principles of his defence. I compared that demeanour with the behaviour of some of the greatest men in this kingdom, who have, on account of their offences, been brought to your bar, and who have seldom escaped your Lordship's justice. I put the decency, humility, and propriety of the most distinguished men's behaviour, in contrast with the shameless effrontery of this Prisoner, who has presumptuously made a recriminatory

a recriminatory charge against the House of Commons, and answered their impeachment by a counter impeachment, explicitly accusing them of malice, oppression, and the blackest ingratitude.

My Lords, I next stated, that this recriminatory charge consisted of two distinct parts, injustice and delay. To the injustice we are to answer, by the nature and proof of the charges which we have brought before you; and to the delay, my Lords, we have answered in another place. Into one of the consequences of the delay, the ruinous expense which the Prisoner complains of, we have desired your Lordships to make an inquiry, and have referred you to facts and witnesses, which will remove this part of the charge.

With regard to ingratitude, there will be a proper time for animadversion on this charge. For in considering the merits that are intended to be set off against his crimes, we shall have to examine into the nature of those merits, and to ascertain how far they are to operate, either as the Prisoner designs they shall operate in his favour, as presumptive proofs that a man of such merits could not be guilty of such crimes, or as a sort of set-off to be pleaded in mitigation of his offences. In both of these lights we shall consider his services, and in this consideration we shall

shall determine the justice of his charge of ingratitude.

My Lords, we have brought the demeanour of the Prisoner before you, for another reason. We are desirous that your Lordships may be enabled to estimate, from the proud presumption and audacity of the Criminal at your bar, when he stands before the most awful Tribunal in the world, accused by a body representing no less than the sacred voice of his country—what he must have been when placed in the seat of pride and power. What must have been the insolence of that man towards the natives of India, who when called here to answer for enormous crimes, presumes to behave, not with the firmness of innocence, but with the audacity and hardness of guilt?

It may be necessary that I should recal to your Lordships recollection, the principles of the accusation and of the defence. Your Lordships will bear in mind, that the matters of fact are all either settled by confession or conviction, and that the question now before you is no longer an issue of fact, but an issue of law. The question is, what degree of merit or demerit you are to assign by law, to actions which have been laid before you, and their truth acknowledged. The principle being established, that you are to decide upon an issue at law, we examined by what law

law the Prisoner ought to be tried; and we preferred a claim which we do now solemnly prefer, and which we trust your Lordships will concur with us in a laudable emulation to establish: a claim founded upon the great truths, that all power is limited by law, and ought to be guided by discretion, and not by arbitrary will: —that all discretion must be referred to the conservation and benefit of those over whom power is exercised; and therefore must be guided by rules of sound political morality.

We next contended, that wherever existing laws were applicable, the Prisoner at your bar was bound by the laws and statutes of this kingdom as a British subject; and that whenever he exercised authority in the name of the Company, or in the name of His Majesty, or under any other name, he was bound by the laws and statutes of this kingdom, both in letter and spirit, so far as they were applicable to him and to his case: and above all, that he was bound by the act to which he owed his appointment, in all transactions with foreign powers to act according to the known recognised rules of the law of nations; whether these powers were really or nominally sovereign, whether they were dependent or independent.

The next point which we established, and which we now call to your Lordships recollection, is, that

that he was bound to proceed according to the laws, rights, laudable customs, privileges and franchises of the country that he governed; and we contended, that to such laws, rights, privileges and franchises, the people of the country had a clear and just claim.

Having established these points as the basis of Mr. Hastings' general power, we contended that he was obliged by the nature of his relation, as a servant to the Company, to be obedient to their orders at all times; and particularly where he had entered into special covenants regarding special articles of obedience. These are the principles by which we have examined the conduct of this man, and upon which we have brought him to your Lordship's bar for judgment. This is our table of the law. Your Lordships shall now be shewn the table by which he claims to be judged, but I will first beg your Lordships to take notice of the utter contempt with which he treats all our Acts of Parliament. Speaking of the absolute sovereignty which he would have you believe is exercised by the princes of India, he says, "The sovereignty "which they assumed, it fell to my lot very "unexpectedly to exert, and whether or not "such power or powers of that nature were "delegated to me by any provisions of any Act "of Parliament, I confess myself too little of

"a lawyer

" a lawyer to pronounce," and so on. This is the manner in which he treats an Act of Parliament! In the place of Acts of Parliament he substitutes his own arbitrary will. This he contends is the sole law of the country he governed, as laid down in what he calls the arbitrary institutes of Ghinges Khan and Tamerlane. This arbitrary will he claims, to the exclusion of the Gentoo law, the Mahometan law, and the law of his own country. He claims the right of making his own will the sole rule of his government, and justifies the exercise of this power by the examples of Aliverdi Khan, Cossim Ali Khan, Sujah Dowlah Khan, and all those Khans who have rebelled against their masters, and desolated the countries subjected to their rule. This, my Lords, is the law which he has laid down for himself, and these are the examples which he has expressly told the House of Commons he is resolved to follow. These examples, my Lords, and the principles with which they are connected, without any softening or mitigation, he has prescribed to you as the rule by which his conduct is to be judged.

Another principle of the Prisoner is, that whenever the Company's affairs are in distress, even when that distress proceeds from his own prodigality mismanagment or corruption, he has a right to take for the Company's benefit pri-

vately in his own name, with the future application of it to their use reserved in his own breast, every kind of bribe or corrupt present whatever.

I have now re-stated to your Lordships the maxims by which the Prisoner persists in defending himself, and the principles upon which we claim to have him judged. The issue before your Lordships is a hundred times more important than the cause itself, for it is to determine by what law or maxims of law the conduct of Governours is to be judged.

On one side, your Lordships have the Prisoner declaring that the people have no laws, no rights, no usages, no distinctions of rank, no sense of honour, no property; in short that they are nothing but a herd of slaves to be governed by the arbitrary will of a master. On the other side, we assert that the direct contrary of this is true. And to prove our assertion we have referred you to the institutes of Ghinges Khan and of Tamerlane: we have referred you to the Mahometan law, which is binding upon all, from the crowned head to the meanest subject; a law interwoven with a system of the wisest, the most learned and most enlightened jurisprudence that perhaps ever existed in the world. We have shewn you, that if these parties are to be compared together, it is not the rights of the people which are nothing, but rather the rights of the sovereign

which are so. The rights of the people are every thing, as they ought to be in the true and natural order of things. God forbid that these maxims should trench upon sovereignty, and its true, just, and lawful prerogative: on the contrary, they ought to support and establish them. The sovereign's rights are undoubtedly sacred rights, and ought to be so held in every country in the world; because exercised for the benefit of the people, and in subordination to that great end for which alone God has vested power in any man or any set of men. This is the law that we insist upon, and these are the principles upon which your Lordships are to try the Prisoner at your bar.

Let me remind your Lordships, that these people lived under the laws to which I have referred you, and that these laws were formed whilst we, I may say, were in the forest; certainly before we knew what technical jurisprudence was. These laws are allowed to be the basis and substratum of the manners, customs, and opinions, of the people of India; and we contend, that Mr. Hastings is bound to know them and to act by them; and I shall prove, that the very condition upon which he received power in India, was to protect the people in their laws and known rights. But whether Mr. Hastings did know these laws, or whether, con-

tent with credit gained by as base a fraud as was ever practised, he did not read the books which Nobkissin paid for; we take the benefit of them: we know and speak after knowledge of them. And although I believe his council have never read them, I should be sorry to stand in this place, if there was one word and tittle in these books that I had not read over.

We therefore come here and declare to you, that he is not borne out by these institutes, either in their general spirit or in any particular passage, to which he has had the impudence to appeal, in the assumption of the arbitrary power which he has exercised. We claim, that, as our own Government, and every person exercising authority in Great Britain is bound by the laws of Great Britain, so every person exercising authority in another country shall be subject to the laws of that country; since otherwise, they break the very covenant by which we hold our power there. Even if these institutes had been arbitrary, which they are not, they might have been excused as the acts of conquerors. But, my Lords, he is no conqueror, nor any thing but what you see him; a bad scribbler of absurd papers, in which he can put no two sentences together without contradiction. We know him in no other character than that of having been a bullock contractor for some years; of having acted

acted fraudulently in that capacity, and afterwards giving fraudulent contracts to others; and yet I will maintain, that the first conquerors of the world would have been base and abandoned if they had assumed such a right as he dares to claim. It is the glory of all such great men to have for their motto, *Parcere subjectis et debellare superbos.* These were men that said they would recompense the countries which they had obtained through torrents of blood, through carnage and violence; by the justice of their institutions, the mildness of their laws, and the equity of their government. Even if these conquerors had promulgated arbitrary institutes instead of disclaiming them in every point, you, my Lords, would never suffer such principles of defence to be urged here; still less will you suffer the examples of men acting by violence, of men acting by wrong;—the example of a man who has become a rebel to his sovereign in order that he should become the tyrant of his people, to be examples for a British governour, or for any governour. We here confidently protest against this mode of justification, and we maintain that his pretending to follow these examples is in itself a crime. The Prisoner has ransacked all Asia for principles of despotism; he has ransacked all the bad and corrupted part of it for

157683

tyrannical examples to justify himself; and certainly in no other way can he be justified.

Having established the falsehood of the first principle of the Prisoner's defence, that sovereignty, wherever it exists in India, implies in its nature and essence a power of exacting any thing from the subject, and disposing of his person and property;—we now come to his second assertion, that he was the true, full, and perfect representative of that sovereignty in India.

In opposition to this assertion we first do positively deny, that he or the Company are the perfect representative of any sovereign power whatever. They have certain rights by their charter, and by Acts of Parliament, but they have no other. They have their legal rights only, and these do not imply any such thing as sovereign power. The sovereignty of Great Britain is in the King, he is the Sovereign of the Lords, and the Sovereign of the Commons, individually and collectively; and as he has his prerogative established by law, he must exercise it, and all persons claiming and deriving under him, whether by Act of Parliament, whether by charter of the Crown, or by any other mode whatever, all are alike bound by law, and responsible to it. No one can assume or receive any power of sovereignty, because the sovereignty

reignty is in the Crown, and cannot be delegated away from the Crown; no such delegation ever took place, or ever was intended; as any one may see in the Act by which Mr. Hastings was nominated governour. He cannot, therefore, exercise that high supreme sovereignty, which is vested by the law, with the consent of both Houses of Parliament, in the King, and in the King only. It is a violent, rebellious assumption of power, when Mr. Hastings pretends fully, perfectly, and entirely, to represent the Sovereign of this country, and to exercise legislative, executive, and judicial authority, with as large and broad a sway as His Majesty, acting with the consent of the two Houses of Parliament, and agreeably to the laws of this Kingdom. I say, my Lords, this is a traitorous and rebellious assumption which he has no right to make, and which we charge against him, and therefore it cannot be urged in justification of his conduct in any respect.

He next alleges, with reference to one particular case, that he received this sovereignty from the Vizier Sujah Dowlah, who he pretends was sovereign, with an unlimited power over the life, goods, and property of Cheit Sing. This we positively deny. Whatever power the supreme sovereign of the empire had, we deny that it was delegated to Sujah Dowlah. He never was in possession of it. He was a Vizier of the

Empire; he had a grant of certain lands for the support of that dignity, and we refer you to the institutes of Timour, to the institutes of Akbar, to the institutes of the Mahometan law, for the powers of delegated governours and viceroys. You will find, that there is not a trace of sovereignty in them; but that they are, to all intents and purposes, mere subjects, and consequently as Sujah Dowlah had not these powers he could not transfer them to the India Company. His master, the Mogul Emperor, had them not. I defy any man to shew an instance of that Emperor's claiming any such thing as arbitrary power, much less can it be claimed by a rebellious viceroy who had broken loose from his sovereign's authority, just as this man broke loose from the authority of Parliament. The one had not a right to give, nor the other to receive such powers; but whatever rights were vested in the Mogul, they cannot belong either to Sujah Dowlah, to Mr. Hastings, or to the Company. These latter are expressly bound by their compact to take care of the subjects of the empire, and to govern them according to law, reason, and equity; and when they do otherwise, they are guilty of tyranny, of a violation of the rights of the people, and of rebellion against their sovereign.

We have taken these pains to ascertain and fix

fix principles, because your Lordships are not called upon to judge of facts. A jury may find facts, but no jury can form a judgment of law; it is an application of the law to the fact that makes the act criminal or laudable. You must find a fixed standard of some kind or other; for if there is no standard but the immediate momentary purpose of the day, guided and governed by the man who uses it, fixed not only for the disposition of all the wealth and strength of the state, but for the life, fortune, and property of every individual, your Lordships are left without a principle to direct your judgment. This high court—this supreme court of appeal from all the courts of the kingdom;—this highest court of criminal jurisdiction, exercised upon the requisition of the House of Commons, if left without a rule, would be as lawless as the wild savage, and as unprincipled as the Prisoner that stands at your bar. Our whole issue is upon principles, and what I shall say to you will be in perpetual reference to them, because it is better to have no principles at all than to have false principles of government and of morality. Leave a man to his passions, and you leave a wild beast to a savage and capricious nature. A wild beast indeed, when its stomach is full will caress you, and may lick your hands; in like manner when a tyrant is pleased or his pasison satiated, you may

may have a happy and serene day under an arbitrary government. But when the principle founded on solid reason, which ought to restrain passion, is perverted from its proper end, the false principle will be substituted for it, and then man becomes ten times worse than a wild beast. The evil principle grown solid and perennial, goads him on and takes entire possession of his mind; and then perhaps the best refuge that you can have from that diabolical principle, is in the natural wild passions and unbridled appetites of mankind. This is a dreadful state of things; and therefore we have thought it necessary to say a great deal upon his principles.

My Lords, we come next to apply these principles to facts which cannot otherwise be judged, as we have contended and do now contend. I will not go over facts which have been opened to you by my Fellow Managers; if I did so, I should appear to have a distrust, which I am sure no other man has, of the greatest abilities displayed in the greatest of all causes. I should be guilty of a presumption, which I hope I shall not dream of, but leave to those who exercise arbitrary power; in supposing that I could go over the ground which my Fellow Managers have once trodden, and make any thing more clear and forcible than they have done. In my humble opinion, human ability cannot go farther than

than they have gone, and if I ever allude to any thing which they have already touched, it will be to shew it in another light;—to mark more particularly its departure from the principles upon which we contend you ought to judge; or to supply those parts which through bodily infirmity, and I am sure nothing else, one of my excellent Fellow Managers has left untouched. I am here alluding to the case of Cheit Sing.

My honourable Fellow Manager Mr. Grey, has stated to you all the circumstances requisite to prove two things:—First, that the demands made by Mr. Hastings upon Cheit Sing, were contrary to fundamental treaties between the Company and that Rajah:—and next, that they were the result and effect of private malice and corruption. This having been stated and proved to you, I shall take up the subject where it was left.

My Lords, in the first place I have to remark to you, that the whole of the charge originally brought by Mr. Hastings against Cheit Sing, in justification of his wicked and tyrannical proceedings, is, that he had been dilatory, evasive, shuffling, and unwilling to pay that which, however unwilling, evasive, and shuffling, he did pay. And that, with regard to the business of furnishing cavalry, the Rajah has asserted, and his assertion has not been denied, that when he was

desired

desired by the Council to furnish these troopers, the purpose for which this application was made, was not mentioned or alluded to, nor was there any place of muster pointed out. We therefore contended, that the demand was not made for the service of the state; but for the oppression of the individual that suffered by it.

But admitting the Rajah to have been guilty of delay and unwillingness, what is the nature of the offence? If you strip it of the epithets by which it has been disguised, it merely amounts to an unwillingness in the Rajah, to pay more than the sums stipulated by the mutual agreement existing between him and the Company. This is the whole of it; the whole front and head of the offence, and for this offence such as it is, and admitting that he could be legally fined for it, he was subjected to the secret punishment of giving a bribe to Mr. Hastings, by which he was to buy off the fine, and which was consequently a commutation for it.

That your Lordships may be enabled to judge more fully of the nature of this offence, let us see in what relation Cheit Sing stood with the Company. He was, my Lords, a person cloathed with every one of the attributes of sovereignty, under a direct stipulation that the Company should not interfere in his internal government. The military and civil authority, the power of life

life and death, the whole revenue, and the whole administration of the law, rested in him. Such was the sovereignty he possessed within Benares; but he was a subordinate sovereign dependent upon a superior, according to the tenor of his compact, expressed or implied. Now having contended, as we still contend, that the law of nations is the law of India as well as of Europe, because it is the law of reason and the law of nature, drawn from the pure sources of morality, of publick good, and of natural equity, and recognised and digested into order by the labour of learned men, I will refer your Lordships to Vattel, book 1. cap. 16. where he treats of the breach of such agreements, by the protector refusing to give protection, or the protected refusing to perform his part of the engagement. My design in referring you to this author, is to prove that Cheit Sing, so far from being blameable in raising objections to the unauthorized demand made upon him by Mr. Hastings, was absolutely bound to do so, nor could he have done otherwise, without hazarding the whole benefit of the agreement upon which his subjection and protection were founded. The law is the same with respect to both contracting parties; if the protected or protector does not fulfil with fidelity *each his separate stipulation*, the protected may resist the unauthorized demand of the protector,

tector, or the protector is discharged from his engagement; he may refuse protection, and declare the treaty broken.

We contend in favour of Cheit Sing, in support of the principles of natural equity, and of the law of nations, which is the birth-right of us all; we contend, I say, that Cheit Sing would have established, in the opinions of the best writers on the law of nations, a precedent against himself for any future violation of the engagement, if he submitted to any new demand, without what our laws call a continual claim or perpetual remonstrance against the imposition. Instead, therefore, of doing that which was criminal, he did that which his safety and his duty bound him to do, and for doing this he was considered by Mr. Hastings as being guilty of a great crime. In a paper which was published by the Prisoner, in justification of this act, he considers the Rajah to have been guilty of rebellious intentions; and he represents these acts of contumacy, as he calls them, not as proofs of contumacy merely, but as proofs of a settled design to rebel, and to throw off the authority of that nation by which he was protected. This belief he declares on oath, to be the ground of his conduct towards Cheit Sing.

Now, my Lords, we do contend, that if any subject under any name, or of any description, be

be not engaged in publick open rebellion, but continues to acknowledge the authority of his sovereign, and if tributary to pay tribute conformably to agreement; such a subject, in case of being suspected of having formed traitorous designs, ought to be treated in a manner totally different from that which was adopted by Mr. Hastings. If the Rajah of Benares had formed a secret conspiracy, Mr. Hastings had a state duty and a judicial duty to perform. He was bound as governour, knowing of such a conspiracy, to provide for the publick safety; and, as a judge, he was bound to convene a criminal court, and to lay before it a detailed accusation of the offence. He was bound to proceed publickly and legally against the accused, and to convict him of his crime, previous to his inflicting, or forming any intention of inflicting, punishment. I say, my Lords, that Mr. Hastings, as a magistrate, was bound to proceed against the Rajah, either by English law, by Mahometan law, or by the Gentoo law; and that by all or any of these laws, he was bound to make the accused acquainted with the crime alleged, to hear his answer to the charge, and to produce evidence against him, in an open, clear, and judicial manner. And here, my Lords, we have again to remark, that the Mahometan law is a great discriminator of persons,

and

and that it prescribes the mode of proceeding against those who are accused of any delinquency requiring punishment, with a reference to the distinction and rank which the accused held in society. The proceedings are exceedingly sober, regular, and respectful, even to criminals charged with the highest crimes; and every magistrate is required to exercise his office in the prescribed manner. In the Hedaia, after declaring and discussing the propriety of the Cauzy's sitting openly in the execution of his office, it is added, that there is no impropriety in the Cauzy sitting in his own house to pass judgment; but it is requisite that he give orders for a free access to the people. It then proceeds thus: "It is requisite that such people "sit along with the Cauzy as were used to sit "with him, prior to his appointment to the "office; because, if he were to sit alone in "his house, he would thereby give rise to "suspicion *."

My Lords, having thus seen what the duty of a judge is in such a case, let us examine whether Mr. Hastings observed any part of the prescribed rules. First, with regard to the publicity of the matter. Did he ever give any notice to the Supreme Council of the charges, which he says he

* Hedaia, 2 vol. p 621.

he had received against Cheit Sing? Did he accuse the Rajah in the council, even when it was reduced to himself and his poor, worn down, cowed, and I am afraid bribed colleague, Mr. Wheler? Did he even then, I ask, produce any one charge against this man? He sat in council as a judge; as an English judge; as a Mahometan judge; as a judge by the Gentoo law, and by the law of Nature. He should have summoned the party to appear in person, or by his attorney, before him, and should have there informed him of the charge against him. But, my Lords, he did not act thus. He kept the accusation secret in his own bosom. And why? because he did not believe it to be true. This may at least be inferred from his having never informed the council of the matter. He never informed the Rajah of Benares of the suspicions entertained against him, during the discussions which took place respecting the multiplied demands that were made upon him. He never told this victim, as he has had the audacity to tell us and all this kingdom, in the paper that is before your Lordships, that he looked upon these refusals to comply with his demands to be overt acts of rebellion; nor did he ever call upon him to answer or to justify himself with regard to that imputed conspiracy or rebellion. Did he tell Sadanund the Rajah's agent, when that agent

was giving him a bribe or a present in secret, and was thus endeavouring to deprecate his wrath, that he accepted that bribe because his master was in rebellion? Never, my Lords; nor did he, when he first reached Benares, and had the Rajah in his power, suggest one word concerning this rebellion. Did he, when he met Mr. Markham at Bauglepore, where they consulted about the destruction of this unhappy man, did he tell Mr. Markham, or did Mr. Markham insinuate to him any one thing about this conspiracy and rebellion? No, not a word there, or in his whole progress up the country. While at Bauglepore he wrote a letter to Lord Macartney upon the state of the empire, giving him much and various advice. Did he insinuate in that letter, that he was going up to Benares to suppress a rebellion of the Rajah Cheit Sing or to punish him? No, not a word. Did he, my Lords, at the eve of his departure from Calcutta, when he communicated his intention of taking 500,000*l.* which he calls a fine or penalty, from the Rajah, did he inform Mr. Wheler of it? No, not a word of his rebellion nor any thing like it. Did he inform his secret confidants Mr. Anderson and Major Palmer upon that subject? Not a word, there was not a word dropped from him of any such rebellion, or of any intention in the Rajah Cheit Sing to rebel. Did

he,

he, when he had vakeels in every part of the Mahratta empire and in the country of Sujah Dowlah; when he had in most of those courts English ambassadors and native spies; did he either from ambassadors or spies receive any thing like authentick intelligence upon this subject? While he was at Benares he had in his hands Beneram Pundit, the vakeel of the Rajah of Berar, his own confidential friend, a person whom he took out of the service of his master, and to whom he gave a jaghire in this very zemindary of Benares. This man so attached to Mr. Hastings, so knowing in all the transactions of India, neither accused Cheit Sing of rebellious intentions, or furnished Mr. Hastings with one single proof that any conspiracy with any foreign power existed.

In this absence of evidence, my Lords, let us have recourse to probability. Is it to be believed that the Zemindar of Benares, a person whom Mr. Hastings describes as being of a timid, weak, irresolute, and feeble nature, should venture to make war alone with the whole power of the Company in India; aided by all the powers which Great Britain could bring to the protection of its Indian empire? Could that poor man, in his comparatively small district, possibly have formed such an intention, without giving Mr. Hastings access to the knowledge of the fact,

from one or other of the numerous correspondents which he had in that country?

As to the Rajah's supposed intrigues with the Nabob of Oude, this man was an actual prisoner of Mr. Hastings, and nothing else; a mere vassal, as he says himself, in effect and substance, though not in name. Can any one believe or think, that Mr. Hastings would not have received from the English resident, or from some one of that tribe of English gentlemen and English military collectors, who were placed in that country in the exercise of the most arbitrary powers, some intelligence, which he could trust, if any rebellious designs had really existed previous to the rebellion, which did actually break out upon his arresting Cheit Sing?

There was an ancient Roman lawyer, of great fame in the history of Roman jurisprudence, whom they called *Cui Bono*, from his having first introduced into juridical proceedings the argument—*what end or object could the party have had in the act with which he is accused?* Surely it may be here asked, why should Cheit Sing wish to rebel, who held on easy and moderate terms (for such I admit they were) a very considerable territory with every attribute of royalty attached? The tribute was paid for protection, which he had a right to claim, and which he actually received. What reason under Heaven

Heaven could he have to go and seek another master; to place himself under the protection of Sujah Dowlah, in whose hands Mr. Hastings tells you, in so many direct and plain words, that neither the Rajah's property, his honour, or his life, could be safe? Was he to seek refuge with the Mahrattas, who, though Gentoos like himself, had reduced every nation which they subdued, except those who were originally of their own empire, to a severe servitude? Can any one believe, that he wished either for the one or the other of these charges; or, that he was desirous to quit the happy independent situation in which he stood under the protection of the British empire, from any loose, wild, improbable notion of mending his condition? My Lords, it is impossible. There is not one particle of evidence, not one word of this charge on record, prior to the publication of Mr. Hastings's narrative; and all the presumptive evidence in the world would scarcely be sufficient to prove the fact, because it is almost impossible that it should be true.

But, my Lords, although Mr. Hastings swore to the truth of this charge, when he came before the House of Commons, yet in his narrative he thus fairly and candidly avowed, that he entertained no such opinion at the time. "Every "step," says he, "which I had taken before

" that fatal moment, namely the flight of Cheit " Sing, is an incontrovertible proof that I [redacted] " formed no design of seizing upon the Rajah's " treasures or of deposing him. And certainly " at the time when I did form the design of " making the punishment, that his former ill " conduct deserved, subservient to the exi- " gencies of the state, by a large fine, I did not " believe him guilty of that premeditated pro- " ject for driving the English out of India, with " which I afterwards charged him." Thus then he declares upon oath, that the Rajah's contumacy was the ground of his suspecting him of rebellion, and yet when he comes to make his defence before the House of Commons, he simply and candidly declares, that long after these alleged acts of contumacy had taken place, he did not believe him to be guilty of any such thing as rebellion, and that the fine imposed upon him was for another reason and another purpose.

In page 28 of your printed minutes, he thus declares the purpose for which the fine was imposed. " I can answer only to this formidable " dilemma, that so long as I conceived Cheit " Sing's misconduct and contumacy to have " me rather than the Company for its object, at " least to be merely the effect of pernicious ad- " vice or misguided folly, without any formal design

" design of openly resisting our authority or " disclaiming our sovereignty; I looked upon " a considerable fine as sufficient both for his " immediate punishment and for binding him " to future good behaviour."

Here, my Lords, the secret comes out. He declares it was not for a rebellion or a suspicion of rebellion that he resolved, over and above all his exorbitant demands, to take from the Rajah 500,000*l.* (a good stout sum to be taken from a tributary power), that it was not for misconduct of this kind that he took this sum, but for personal ill behaviour towards himself. I must again beg your Lordships to note that he then considered the Rajah's contumacy as having for its object not the Company, but Warren Hastings, and that he afterwards declared publickly to the House of Commons;—and now before your Lordships, he declares finally and conclusively, that he did believe Cheit Sing to have had the criminal intention imputed to him.

" So long," says he, " as I conceive Cheit " Sing's misconduct and contumacy to have " *me*" (in italics as he ordered it to be printed) " rather than the Company, for its object, so " long I was satisfied with a fine. I therefore " entertained no serious thoughts of expelling " him or proceeding otherwise to violence; but " when he and his people broke out into the

" most atrocious acts of rebellion and murder,
" when the *jus fortioris et lex ultima regum*,
" were appealed to on his part (and without
" any sufficient plea afforded him on mine) I
" from that moment considered him as the
" traitor and criminal described in the charge,
" and no concessions, no humiliations, could
" ever after induce me to settle on him the
" zemindary of Benares, or any other territory,
" upon any footing whatever."

Thus then, my Lords, he has confessed, that the era and the only era of rebellion was when the tumult broke out upon the act of violence offered by himself to Cheit Sing; and upon the ground of that tumult, or rebellion as he calls it, he says, he never would suffer him to enjoy any territory or any right whatever. We have fixed the period of the rebellion for which he is supposed to have exacted this fine; this period of rebellion was after the exaction of the fine itself, so that the fine was not laid for the rebellion, but the rebellion broke out in consequence of the fine and the violent measure accompanying it. We have established this, and the whole human race cannot shake it. He went up the country through malice to revenge his own private wrongs, not those of the Company. He fixed 500,000*l.* as a mulct for an insult offered to himself, and then a rebellion broke out in consequence

consequence of his violence. This was the rebellion and the only rebellion; it was Warren Hastings's rebellion, a rebellion which arose from his own dreadful exaction; from his pride; from his malice and insatiable avarice. A rebellion which arose from his abominable tyranny, from his lust of arbitrary power, and from his determination to follow the examples of Sujah Dowlah, Azoph ul Dowlah, Cossim Ali Khan, Aliverdi Khan, and all the gang of rebels who are the objects of his imitation.

My patience, says he, *was exhausted.* Your Lordships have, and ought to have a judicial patience. Mr. Hastings has none of any kind. I hold that patience is one of the great virtues of a governour; it was said of Moses, that he governed by patience, and that he was the meekest man upon earth. Patience is also the distinguishing character of a judge; and I think your Lordships, both with regard to us and with regard to him, have shewn a great deal of it; we shall ever honour the quality, and if we pretend to say, that we have had great patience in going through this trial, so your Lordships must have had great patience in hearing it. But this man's patience, as he himself tells you, was soon exhausted. "I considered," he says, "the light "in which such behaviour would have been "viewed by his native sovereign, and I resolved

he

" he should feel the power he had so long in-
" sulted. Forty or fifty lacks of rupees would
" have been a moderate fine for Sujah ul Dowlah
" to exact: he who had demanded twenty-five
" lacks for the mere fine of succession, and re-
" ceived twenty in hand, and an increased rent
" tantamount to considerably above thirty lacks
" more; and therefore I rejected the offer of
" twenty, with which the Rajah would have com-
" promised for his guilt when it was too late."

Now, my Lords, observe who his models were when he intended to punish this man for an insult on himself. Did he consult the laws? Did he look to the Institutes of Timour or to those of Ghinges Khan? Did he look to the Hedaia or to any of the approved authorities in this country? No, my Lords, he exactly followed the advice which Longinus gives to a great writer: —Whenever you have a mind to elevate your mind; to raise it to its highest pitch, and even to exceed yourself, upon any subject, think how Homer would have described it, how Plato would have imagined it, and how Demosthenes would have expressed it; and when you have so done, you will then no doubt have a standard which will raise you up to the dignity of any thing that human genius can aspire to. Mr. Hastings was calling upon himself, and raising his mind to the dignity of what tyranny could do;

do; what unrighteous exaction could perform. He considered, he says, how much Sujah Dowlah would have exacted, and that he thinks would not be too much for him to exact. He boldly avows, I raised my mind to the elevation of Sujah Dowlah. I considered what Cossim Ali Khan would have done, or Ali Verdi Khan, who murdered and robbed so many. I had all this line of great examples before me, and I asked myself what fine they would have exacted upon such an occasion. But, says he, Sujah Dowlah levied a fine of twenty lacks for a right of succession.

Good God! my Lords, if you are not appalled with the violent injustice of arbitrary proceedings, you must feel something humiliating at the gross ignorance of men who are in this manner playing with the rights of mankind. This man confounds a fine upon succession with a fine of penalty. He takes advantage of a defect in the technical language of our law, which, I am sorry to say, is not in many parts as correct in its distinctions and as wise in its provisions as the Mahometan law. We use the word fine in three senses; first, as a punishment and penalty; secondly, as a formal means of cutting off by one form the ties of another form, which we call levying a fine; and thirdly, we use the word to signify a sum of money payable upon renewal of a lease

a lease or copyhold. The word has, in each case, a totally different sense; but such is the stupidity and barbarism of the Prisoner, that he confounds these senses, and tells you Sujah Dowlah took twenty-five lacks as a fine from Cheit Sing, for the renewal of his zemindary, and therefore as a punishment for his offences, he shall take fifty. Suppose any one of your Lordships, or of us, were to be fined for assault and battery, or for any thing else, and it should be said, you paid such a fine for a bishop's lease; you paid such a fine on the purchase of an estate, and therefore now that you are going to be fined for a punishment, we will take the measure of the fine not from the nature and quality of your offence, not from the law upon the subject or from your ability to pay; but the amount of a fine you paid some years ago for an estate, shall be the measure of your punishment. My Lords, what should we say of such brutish ignorance, and such shocking confusion of ideas?

When this man had elevated his mind according to the rules of art, and stimulated himself to great things by great examples, he goes on to tell you that he rejected the offer of twenty lacks with which the Rajah would have compounded for his guilt when it was too late.

Permit me, my Lords, to say a few words here, by way of referring back all this monstrous heap

heap of violence and absurdity to some degree of principle. Mr. Hastings having completely acquitted the Rajah of any other fault than contumacy, and having supposed even that to be only personal to himself, he thought a fine of 500,000*l.* would be a proper punishment. Now, when any man goes to exact a fine, it presupposes inquiry, charge, defence, and judgment. It does so in the Mahometan law; it does so in the Gentoo law; it does so in the law of England, in the Roman law, and in the law, I believe, of every nation under heaven, except in that law which resides in the arbitrary breast of Mr. Hastings, poisoned by the principles and stimulated by the examples of those wicked traitors and rebels whom I have before described. He mentions his intention of levying a fine, but does he make any mention of having charged the Rajah with his offences? It appears that he held an incredible quantity of private correspondence through the various Residents, through Mr. Graham, Mr. Fowke, Mr. Markham, Mr. Benn, concerning the affairs of that country. Did he ever, upon this alleged contumacy (for at present I put the rebellion out of the question), inquire the progress of this personal affront offered to the Governour General of Bengal? Did he ever state it to the Rajah, or did he call his vakeel before the Council to answer

answer the charge? Did he examine any one person or particularize a single fact in any manner whatever? No. What then did he do? Why, my Lords, he declared himself the person injured, stood forward as the accuser, assumed the office of judge, and proceeded to judgment without a party before him, without trial, without examination, without proof. He thus directly reversed the order of justice. He determined to fine the Rajah when his own patience, as he says, was exhausted, not when justice demanded the punishment. He resolved to fine him in the enormous sum of 500,000 *l.* Does he inform the Council of this determination? No. The Court of Directors? No. Any one of his confidants? No, not one of them; not Mr. Palmer, not Mr. Middleton, nor any of that legion of secretaries that he had; nor did he even inform Mr. Malcolm of his intentions until he met him at Bauglepore.

In regard to the object of his malice, we only know that many letters came from Cheit Sing to Mr. Hastings, in which the unfortunate man endeavoured to appease his wrath, and to none of which he ever gave an answer. He is an accuser preferring a charge and receiving apologies, without giving the party an answer; although he had a crowd of secretaries about him, maintained at the expense of the miserable people of Benares,

Benares, and paid by sums of money drawn fraudulently from their pockets. Still not one word of answer was given, till he had formed the resolution of exacting a fine, and had actually by torture made his victim's servant discover where his master's treasures lay, in order that he might rob him of all his family possessed. Are these the proceedings of a British judge; or are they not rather such as are described by Lord Coke—(and these learned gentlemen, I dare say, will remember the passage; it is too striking not to be remembered) as "*the damned and* "*damnable proceedings of a judge in hell.*" Such a judge has the Prisoner at your bar proved himself to be. First, he determines upon the punishment, then he prepares the accusation, and then by torture and violence endeavours to extort the fine.

My Lords, I must again beg leave to call your attention to his mode of proceeding in this business. He never entered any charge. He never answered any letter. Not that he was idle. He was carrying on a wicked and clandestine plot for the destruction of the Rajah, under the pretence of this fine; although the plot was not known, I verily believe, to any European at the time. He does not pretend that he told any one of the company's servants of his intentions of fining the Rajah; but that some hostile project against

against him had been formed by Mr. Hastings, was perfectly well known to the natives. Mr. Hastings tells you, that Cheit Sing had a vakeel at Calcutta, whose business it was to learn the general transactions of our government, and the most minute particulars which could, in any manner, affect the interest of his employer.

I must here tell your Lordships, that there is no court in Asia, from the highest to the lowest, no petty sovereign that does not both employ and receive what they call Hircarrahs, or in other words, persons to collect and to communicate political intelligence. These men are received with the state and in the rank of ambassadors; they have their place in the Durbar, and their business, as authorized spies, is as well known there as that of ambassadors extraordinary and ordinary in the courts of Europe. Mr. Hastings had a publick spy in the person of the Resident, at Benares, and he had a private spy there in another person. The spies employed by the native powers had, by some means, come to the knowledge of Mr. Hastings's clandestine and wicked intentions towards this unhappy man, Cheit Sing, and his unhappy country, and of his designs for the destruction and the utter ruin of both. He has himself told you, and he has got Mr. Anderson to vouch it, that he had received proposals for the sale of this miserable man and

his country. And from whom did he receive these proposals, my Lords? Why, from the Nabob Azoph ul Dowlah, to whom he threatened to transfer both the person of the Rajah and his zemindary if he did not redeem himself by some pecuniary sacrifice. Now Azoph ul Dowlah, as appears by the Minutes on your Lordships' table, was at that time a bankrupt. He was in debt to the Company tenfold more than he could pay, and all his revenues were sequestered for that debt. He was a person of the last degree of indolence, with the last degree of rapacity. A man, of whom Mr. Hastings declared, that he had wasted and destroyed by his misgovernment the fairest provinces upon earth; that not a person in his dominions was secure from his violence, and that even his own father could not enjoy his life and honour in safety under him. This avaricious bankrupt tyrant, who had beggared and destroyed his own subjects, and could not pay his debts to the English government, was the man with whom Mr. Hastings was in treaty to deliver up Cheit Sing and his country, under pretence of his not having paid regularly to the Company those customary payments which the tyrant would probably have never paid at all, if he had been put in possession of the country. This I mention to illustrate Mr. Hastings's plans of economy and

finance, without considering the injustice and cruelty of delivering up a man to the hereditary enemy of his family.

It is known, my Lords, that Mr. Hastings, besides having received proposals for delivering up the beautiful country of Benares, that garden of God, as it is styled in India, to that monster, that rapacious tyrant, Azoph ul Dowlah, who with his gang of mercenary troops, had desolated his own country like a swarm of locusts; had purposed, likewise, to seize Cheit Sing's own patrimonial forts, which was nothing less than to take from him the residence of his women and his children, the seat of his honour, the place in which the remaining treasures and last hopes of his family were centered. By the Gentoo law, every lord or supreme magistrate is bound to construct, and to live in such a fort. It is the usage of India, and is a matter of state and dignity, as well as of propriety, reason, and defence. It was probably an apprehension of being injured in this tender point, as well as a knowledge of the proposal made by the Nabob, which induced Cheit Sing to offer to buy himself off; although it does not appear from any part of the evidence, that he assigned any other reason than that of Mr. Hastings intending to exact from him six lacks of rupees over and above his other exactions.

Mr. Hastings

Mr. Hastings indeed almost acknowledges the existence of this plot against the Rajah, and his being the author of it. He says, without any denial of the fact, that the Rajah suspected some strong acts to be intended against him, and therefore asked Mr. Markham, whether he could not buy them off, and obtain Mr. Hastings's favour by the payment of 200,000*l.* Mr. Markham gave, as his opinion, that 200,000*l.* was not sufficient; and the next day the Rajah offered 20,000*l.* more, in all 220,000*l.* The negotiation, however, broke off; and why? Not, as Mr. Markham says he conjectured, because the Rajah had learned that Mr. Hastings had no longer an intention of imposing these six lacks, or something to that effect, and therefore retracted his offer; but because that offer had been rejected by Mr. Hastings.

Let us hear what reason the man, who was in the true secret, gives for not accepting the Rajah's offer. "I rejected," says Mr. Hastings, "the offer of twenty lacks, with which the Rajah "would have compromised for his guilt when it "was too late." My Lords, he best knows what the motives of his own actions were. He says, the offer was made "when it was too late." Had he previously told the Rajah what sum of money he would be required to pay, in order to buy himself off; or had he required him to name

any sum which he was willing to pay? Did he, after having refused the offer made by the Rajah, say, Come, and make me a better offer, or upon such a day I shall declare that your offers are inadmissible? No such thing appears. Your Lordships will further remark, that Mr. Hastings refused the 200,000 *l.* at a time when the exigencies of the Company were so pressing that he was obliged to rob, pilfer, and steal upon every side; at a time when he was borrowing 40,000 *l.* from Mr. Sullivan in one morning, and raising by other under jobs 27,000 *l.* more. In the distress which his own extravagance and prodigality had involved him, 200,000 *l.* would have been a weighty benefit, although derived from his villainy; but this relief he positively refused, because, says he, the offer came too late. From these words, my Lords, we may infer, that there was a time when the offer would not have been "too late;"—a period at which it would have been readily accepted. No such thing appears. There is not a trace upon your Minutes, not a trace in the correspondence of the Company to prove, that the Rajah would, at any time, have been permitted to buy himself off from this complicated tyranny.

I have already stated a curious circumstance in this proceeding, to which I must again beg leave to direct your Lordships' attention. Does

it

it any where appear in that correspondence, or in the testimony of Mr. Benn, of Mr. Markham, or of any human being, that Mr. Hastings had ever told Cheit Sing with what sum he should be satisfied? There is evidence before you directly in proof, that they did not know the amount. Not one person knew what his intention was, when he refused this 200,000*l.* For when he met Mr. Markham at Bauglepore, and for the first time mentioned the sum of 500,000*l.* as the fine he meant to exact, Mr. Markham was astonished and confounded at its magnitude. He tells you this himself. It appears, then, that neither Cheit Sing nor the Resident at Benares, (who ought to have been in the secret, if upon such an occasion secresy is allowable) ever knew what the terms were. The Rajah was in the dark; he was left to feel, blindfold, how much money could relieve him from the iniquitous intentions of Mr. Hastings; and at last he is told that his offer comes too late, without having ever been told the period at which it would have been well timed, or the amount it was proposed to take from him. Is this, my Lords, the proper way to adjudge a fine?

Your Lordships will now be pleased to advert to the manner in which he defends himself and these proceedings. He says, "I rejected this "offer of twenty lacks, with which the Rajah

" would have compromised for his guilt when it " was too late." If by these words he means too late to answer the purpose for which he has said the fine was designed, namely, the relief of the Company, the ground of his defence is absolutely false; for it is notorious, that at the time referred to, the Company's affairs were in the greatest distress.

I will next call your Lordships' attention to the projected sale of Benares to the Nabob of Oude. " If," says Mr. Hastings, " I ever talked " of selling the Company's sovereignty over " Benares to the Nabob of Oude, it was but *in* " *terrorem*; and no subsequent act of mine war- " rants the supposition of my having seriously " intended it." And in another place he says, " If I ever threatened"—Your Lordships will remark, that he puts hypothetically a matter, the reality of which he has got to be solemnly declared on an affidavit, and in a narrative to the truth of which he has deposed upon oath. " If " I ever threatened," says he, " to dispossess " the Rajah of his territories, it is no more than " what my predecessors (without rebuke from " their superiors, or notice taken of the expres- " sion) had wished and intended to have done " to his father, even when the Company had no " pretensions to the sovereignty of the country. " It is no more than such a legal act of sove-

" reignty as his behaviour justified, and as I was " justified in by the intentions of my predeces- " sors. If I pretended to seize upon his forts, it " was in full conviction that a dependent on the " Company, guaranteed, maintained, and pro- " tected in his country by the Company's arms, " had no occasion for forts; had no right to " them; and could hold them for no other than " suspected and rebellious purposes. None of " the Company's other zemindars are permitted " to maintain them; and even our ally, the " Nabob of the Carnatic, has the Company's " troops in all his garrisons. Policy and publick " safety absolutely require it. What state could " exist, that allowed its inferior members to hold " forts and garrisons independent of the supe- " rior administration? It is a solecism in govern- " ment to suppose it."

Here then, my Lords, he first declares that this was merely done *in terrorem*; that he never intended to execute the abominable act. And will your Lordships patiently endure, that such terrifick threats as these shall be hung, by your governour in India, over the unhappy people that are subject to him, and protected by British faith? Will you permit that, for the purpose of extorting money, a governour shall hold out the terrible threat of delivering a tributary prince

and his people, bound hand and foot, into the power of their perfidious enemies?

The terrour occasioned by threatening to take from him his forts, can only be estimated by considering, that agreeably to the religion and prejudices of Hindoos, the forts are the places in which their women are lodged; in which, according to their notions, their honour is deposited, and in which is lodged all the wealth that they can save against an evil day, to purchase off the vengeance of an enemy. These forts, Mr. Hastings says, he intended to take, because the Rajah could hold them for no other than rebellious and suspected purposes. Now I will shew your Lordships that the man, who has the horrible audacity to make this declaration, did himself assign to the Rajah these very forts. He put him in possession of them; and when there was a dispute about the Nabob's rights to them on the one side, and the Company's on the other, did confirm them to this man. The paper shall be produced, that you may have before your eyes the gross contradictions into which his rapacity and acts of arbitrary power have betrayed him. Thank God, my Lords, men that are greatly guilty are never wise. I repeat it, men that are greatly guilty are never wise. In their defence of one crime they are sure to meet the ghost of some former

former defence, which, like the spectre in Virgil, drives them back. The Prisoner at your bar, like the hero of the poet, when he attempts to make his escape by one evasion, is stopped by the appearance of some former contradictory averment. If he attempts to escape by one door, there his criminal allegations of one kind stop him; if he attempts to escape at another, the facts and allegations intended for some other wicked purpose stare him full in the face.

Quacunque viam sibi fraude petivit
Successum Dea dira negat

The paper I hold in my hand contains Nundcomar's accusation of Mr. Hastings. It consists of a variety of charges; and I will first read to you what is said by Nundcomar, of these forts, which it is pretended could be held for none but suspicious and rebellious purposes.

"At the time Mr. Hastings was going to "Benares, he desired me to give him an ac- "count in writing of any lands which, though "properly belonging to the Subah of Bahar, "might have come under the dominion of "Bulwant Sing, that they might be recovered "from his son Rajah Cheit Sing. The Pergun- "nahs of Kera, Mungrora and Bidjigur were "exactly in this situation, having been usurped "by Bulwant Sing from the Subah of Bahar.

"I accordingly

" I accordingly delivered to Mr. Hastings the " accounts of them from the entrance of the " Company upon the Dewanny to the year " 1179 of the Fussel Æra, stated at twenty-four " lacks. Mr. Hastings said, 'Give a copy of " this to Roy Radha Churn, that if Cheit Sing " is backward in acknowledging this claim, " Radha Churn may answer and confute him.' " Why Mr. Hastings, when he arrived at " Benares, and had called Rajah Cheit Sing " before him, left these countries still in the " Rajah's usurpations, it remains with Mr. " Hastings to explain."

This is Nundcomar's charge; here follows Mr. Hastings's reply; " I recollect an infor- " mation given me by Nundcomar, concerning " the pretended usurpations made by the Rajah " of Benares, of the Pergunnahs of Kera, Mun- " grora and Bidjigur." Your Lordships will recollect, that Bidjigur is one of those very forts which he declares could not be held but for suspicious and rebellious purposes. " I do not " recollect his mentioning it again, when I set " out for Benares, neither did I ever intimate " the subject, either to Cheit Sing or his mi- " nisters, because I knew I could not support " the claim: and to have made it and dropped " it, would have been, in every sense, dis- " honourable. Not that I passed by it with

" indifference

" indifference or inattention. I took pains to " investigate the foundation of this title, and " recommended it to the particular enquiry of " Mr. Vansittart, who was the chief of Patna, " at the time in which I received the first inti- " mation. The following letter and voucher, " which I received from him, contain a complete " statement of this pretended usurpation."

These vouchers will answer our purpose, fully to establish that in his opinion, the claim of the English government upon those forts, was at that time totally unfounded, and so absurd, that he did not even dare to mention it. This fort of Bidjigur, the most considerable in the country, and of which we shall have much to say hereafter, is the place in which Cheit Sing had deposited his women and family. That fortress did Mr. Hastings himself give to this very man, deciding in his favour as a judge upon an examination, and after an inquiry: and yet he now declares, that he had no right to it, and that he could not hold it but for wicked and rebellious purposes. But, my Lords, when he changed this language, he had resolved to take away these forts,—to destroy them,—to root the Rajah out of every place of refuge—out of every secure place in which he could hide his head, or screen himself from the rancour, revenge, avarice, and malice of his ruthless foe.

He

He was resolved to have them, although he had, upon the fullest conviction of the Rajah's right, given them to this very man, and put him into the absolute possession of them.

Again, my Lords, did he, when Cheit Sing, in 1775, was put in possession by the potta of the governour general and council which contains an enumeration of the names of all the places which were given up to him, and consequently of this among the rest,—did he, either before he put the question in council upon that potta, or afterwards tell the council they were going to put forts into the man's hands to which he had no right, and which could be held only for rebellious and suspected purposes? We refer your Lordships to the places in which all these transactions are mentioned, and you will there find Mr. Hastings took no one exception whatever against them; nor, till he was resolved upon the destruction of this unhappy man, did he ever so much as mention them. It was not till then, that he discovers the possession of these forts by the Rajah, to be a *solecism in government.*

After quoting the noble examples of Sujah Dowlah, and the other persons whom I have mentioned to you, he proceeds to say, that some of his predecessors, without any pretensions to sovereign authority, endeavoured to get these forts

forts into their possession; and "I was justified," says he, "by the intention of my predecessors." Merciful God! if any thing can surpass what he has said before, it is this: My predecessors, without any title of sovereignty, without any right whatever, wished to get these forts into their power. I therefore have a right to do what they wished to do; and I am justified, not by the acts, but by the *intentions* of my predecessors. At the same time he knows that these predecessors had been reprobated by the Company for this part of their proceedings; he knew that he was sent there to introduce a better system, and to put an end to this state of rapacity. Still, whatever his predecessors *wished*, however unjust and violent it might be, when the sovereignty came into his hands, he maintains that he had a right to do all which they were desirous of accomplishing. Thus the enormities formerly practised, which the Company sent him to correct, became a sacred standard for his imitation.

Your Lordships will observe, that he slips in the word *sovereignty* and forgets compact; because it is plain, and your Lordships must perceive it, that wherever he uses the word sovereignty, he uses it to destroy the authority of all compacts; and accordingly in the passage now before us he declares, that there is an invalidity

validity in all compacts entered into in India, from the nature, state, and constitution of that empire. "From the disorderly form of its go-"vernment," says he, "there is an invalidity "in all compacts and treaties whatever." Persons who had no treaty with the Rajah wished, says he, to rob him: therefore I, who have a treaty with him and call myself his sovereign, have a right to realize all their wishes.

But the fact is, my Lords, that his predecessors never did propose to deprive Bulwant Sing, the father of Cheit Sing, of his zemindary. They indeed wished to have had the Dewanny transferred to them in the manner it has since been transferred to the Company. They wished to receive his rents, and to be made an intermediate party between him and the Mogul Emperour, his sovereign. These predecessors had entered into no compact with the man: they were negotiating with his sovereign for the transfer of the dewanny or stewardship of the country, which transfer was afterwards actually executed, but they were obliged to give the country itself back again to Bulwant Sing, with a guarantee against all the pretensions of Sujah Dowlah, who had tyrannically assumed an arbitrary power over it. This power the predecessors of Mr. Hastings might also have wished to assume: and he may therefore say, according to

to the mode of reasoning which he has adopted, whatever they wished to do, but never succeeded in doing, I may and ought to do of my own will. Whatever fine Sujah Dowlah would have exacted I will exact. I will penetrate into that tyger's bosom, and discover the latent seeds of rapacity and injustice which lurk there, and I will make him the subject of my imitation.

These are the principles upon which, without accuser, without judge, without inquiry, he resolved to lay a fine of 500,000*l.* on Cheit Sing!

In order to bind himself to a strict fulfilment of this resolution he has laid down another very extraordinary doctrine. He has laid it down as a sort of canon (in injustice and corruption) that whatever demand, whether just or unjust, a man declares his intention of making upon another, he should exact the precise sum which he has determined upon, and that if he takes any thing less, it is a proof of corruption. "I have," says he, "shewn by this testimony, that I never "intended to make any communication to Cheit "Sing, of taking less than the fifty lacks, which "in my own mind I had resolved to exact." And he adds, "I shall make my last and solemn "appeal to the breast of every man who shall "read this, whether it is likely or morally pos-"sible, that I should have tied down my own "future conduct to so decided a process and

"series

" series of acts, if I had secretly intended to " threaten, or to use a degree of violence, for " no other purpose than to draw from the object " of it a mercenary atonement for my own " private emolument, and suffer all this tumult " to terminate in an ostensible and unsubstan- " tial submission to the authority which I re- " presented."

He had just before said, " If I ever talked " of selling the Company's sovereignty to the " Nabob of Oude, it was only *in terrorem.*" In the face of this assertion, he here gives you to understand, he never held out any thing *in terrorem*, but what he intended to execute. But we will shew you, that in fact he had reserved to himself a power of acting *pro re natâ:* and that he intended to compound or not, just as answered his purposes upon this occasion. " I admit," he says, " that I did not enter it," (the intention of fining Cheit Sing) " on the " consultations, because it was not necessary; " even this plan itself of the fine was not a fixed " plan, but to be regulated by circumstances, " both as to the substantial execution of it and " the mode." Now here is a man who has given it in a sworn narrative, that he did not intend to have a farthing less. Why? " Because I should " have menaced and done as in former times " has been done; made great and violent de-

" mands

" mands which I reduce afterwards for my own " corrupt purposes." Yet he tells you in the course of the same defence, but in another paper, that he had no fixed plan, that he did not know whether he should exact a fine at all, or what should be his mode of executing it.

My Lords, what shall we say to this man, who declares, that it would be a proof of corruption, not to exact the full sum, which he had threatened to exact, but who finding that this doctrine would press hard upon him, and be considered as a proof of cruelty and injustice, turns round and declares he had no intention of exacting any thing? What shall we say to a man, who thus reserves his determination, who threatens to sell a tributary prince to a tyrant, and cannot decide whether he should take from him his forts, and pillage him of all he had; whether he should raise 500,000 *l.* upon him, whether he should accept the 220,000 *l.* offered (which by the way we never knew of till long after the whole transaction), whether he should do any or all of those things, and then by his own account going up to Benares, without having resolved any thing upon this important subject?

My Lords, I will now assume the hypothesis that he at last discovered sufficient proof of rebellious practices; still even this gave him no right to adduce such rebellion in justification of

resolutions which he had taken, of acts which he had done, before he knew any thing of its existence. To such a plea we answer, and your Lordships will every one of you answer, you shall not by a subsequent discovery of rebellious practices, which you did not know at the time and which you did not even believe, as you have expressly told us here, justify your conduct prior to that discovery.

If the conspiracy which he falsely imputes to Cheit Sing; if that wild scheme of driving the English out of India had existed, think in what miserable circumstances we stand as prosecutors and your Lordships as judges, if we admit a discovery to be pleaded in justification of antecedent acts founded upon the assumed existence of that which he had no sort of proof, knowledge or belief of!

My Lords, we shall now proceed to another circumstance, not less culpable in itself though less shocking to your feelings than those to which I have already called your attention; a circumstance which throws a strong presumption of guilt upon every part of the Prisoner's conduct. Having formed all these infernal plots in his mind, but uncertain which of them he should execute, uncertain what sums of money he should extort, whether he should deliver up the Rajah to his enemy, or pillage his forts; he goes

up

up to Benares; but he first delegates to himself all the powers of government, both civil and military, in the countries, which he was going to visit.

My Lords, we have asserted in our charge, that this delegation and division of power was illegal. He invested *himself* with this authority; for *he* was the majority in the council. Mr. Wheler's consent or dissent signifying nothing. He gave himself powers which the Act of Parliament did not give him. He went up to Benares with an illegal commission civil and military; and to prove this I shall beg leave to read the provisions of the Act of Parliament. I shall shew what the creature ought to be, by shewing the law of the Creator: what the Legislature of Great Britain meant that Governour Hastings should be, not what he made himself.

[Mr. Burke then read the seventh section of the Act.]

Now we do deny that there is by this Act given, or that under this Act there can be given to the Government of India, a power of dividing its unity into two parts, each of which shall separately be a unity, and possess the power given to the whole. Yet, my Lords, an agreement was made between him and Mr. Wheler, that he (Mr. Hastings) should have every power civil and military, in the upper provinces, and

that Mr. Wheler should enjoy equal authority in the lower ones.

Now, to shew you that it is impossible for such an agreement to be legal, we must refer you to the constitution of the Company's government. The whole power is vested in the Council, where all questions are to be decided by a majority of voices, and the members are directed to record in the minutes of their proceedings, not only the questions decided, but the grounds upon which each individual member founds his vote. Now although the Council is competent to delegate its authority for any *specifick* purpose to any servant of the Company, yet to admit that it can delegate its authority *generally*, without reserving the means of deliberation and controul, would be to change the whole constitution. By such a proceeding the government may be divided into a number of independent governments, without a common deliberative council and controul. This deliberative capacity, which is so strictly guarded by the obligation of recording its consultations, would be totally annihilated, if the Council divided itself into independent parts, each acting according to its own discretion. There is no similar instance in law, there is no similar instance in policy. The conduct of these men implies a direct contradiction, and you will see,

by

by the agreement they made to support each other, that they were themselves conscious of the illegality of this proceeding.

After Mr. Hastings had conferred absolute power upon himself during his stay in the upper provinces, by an order of Council (of which Council he was himself a majority) he entered the following Minute in the consultations: "The "Governour General delivers in the following "Minute. In my Minute which I laid before "the Court on the 21st May, I expressed the "satisfaction with which I could at this junc- "ture leave the Presidency, from the mutual "confidence which was happily established be- "tween Mr. Wheler and me. I now readily "repeat that sentiment, and observe with plea- "sure that Mr. Wheler confirms it. Before my "departure, it is probable that we shall in con- "cert have provided at the Board for almost "every important circumstance that can even- "tually happen during my absence; but if any "should occur for which no previous provision "shall have been made in the resolutions of the "Board, Mr. Wheler may act with immediate "decision and with the fullest confidence of my "support, in all such emergencies, as well as "in conducting the ordinary business of the "Presidency, and in general in all matters of "this Government, excepting those which may

" specially or generally be entrusted to me. " Mr. Wheler during my absence may consider " himself as possessed of the full powers of the " Governour General and Council of this Go- " vernment, as in effect he is by the constitu- " tion; and he may be assured that so far as " my sanction and concurrence shall be, or be " deemed, necessary to the confirmation of his " measures, he shall receive them."

Now here is a compact of iniquity between these two Duumvirs. They each give to the other the full, complete, and perfect powers of the Government, and in order to secure themselves against any obstacles that might arise, they mutually engage to ratify each other's acts; and they say, this is not illegal, because Lord Cornwallis has had such a deputation. I must first beg leave to observe, that no man can justify himself in doing any illegal act by its having been done by another, much less can he justify his own illegal act by pleading an act of the same kind done subsequently to his act; because the latter may have been done in consequence of his bad example. Men justify their acts in two ways, by law and by precedent; the former asserts the right, the latter presumes it from the example of others. But can any man justify an act, because ten or a dozen years after, another man has done the same thing?

Good heavens! was there ever such a doctrine before heard? Suppose Lord Cornwallis to have done wrong; suppose him to have acted illegally: does that clear the Prisoner at your bar? No, on the contrary, it aggravates his offence, because he has afforded others an example of corrupt and illegal conduct. But if even Lord Cornwallis had preceded, instead of following him, the example would not have furnished a justification. There is no resemblance in the cases. Lord Cornwallis does not hold his Government by the Act of 1773, but by a special Act made afterwards; and therefore to attempt to justify acts done under one form of appointment, by acts done under another form, is to the last degree wild and absurd.

Lord Cornwallis was going to conduct a war of great magnitude, and was consequently trusted with extraordinary powers. He went in the two characters of governour and commander in chief, and yet the legislature was sensible of the doubtful validity of a governour general's carrying with him the whole powers of the council. But Mr. Hastings was not commander in chief, when he assumed the whole military as well as civil power. Lord Cornwallis, as I have just said, was not only commander in chief, but was going to a great war, where he might have occasion to treat with the country powers in

a civil capacity; and yet so doubtful was the legislature upon this point, that they passed a special Act to confirm that delegation, and to give him a power of acting under it.

My Lords, we do further contend, that Mr. Hastings had no right to assume the character of commander in chief; for he was no military man, nor was he appointed by the Company to that trust. His assumption of the military authority was a gross usurpation. It was an authority to which he would have had no right if the whole powers of government were vested in him, and he had carried his council with him on his horse. If, I say, Mr. Hastings had his council on his crupper, he could neither have given those powers to himself, nor made a partition of them with Mr. Wheler. Could Lord Cornwallis for instance, who carried with him the power of commander in chief, and authority to conclude treaties with all the native powers; could he, I ask, have left a council behind him in Calcutta with equal powers, who might have concluded treaties in direct contradiction to those in which he was engaged? Clearly he could not: therefore I contend that this partition of power which supposes an integral authority in each counsellor, is a monster that cannot exist. This the parties themselves felt so strongly, that they were obliged to have recourse to a stratagem scarcely

scarcely less absurd than their divided assumption of power. They entered into a compact to confirm each other's acts, and to support each other in whatever they did; thus attempting to give their separate acts a legal form.

I have further to remark to your Lordships, what has just been suggested to me, that it was for the express purpose of legalizing Lord Cornwallis's delegation, that he was made commander in chief as well as governour general by the Act.

The next plea urged by Mr. Hastings, is conveniency. "It was *convenient*," he says, "for "me to do this." I answer, no person acting with delegated power can delegate that power to another. *Delegatus not potest delegare* is a maxim of law; much less has he a right to supersede the law and the principle of his own delegation and appointment, upon any idea of convenience. But what was the conveniency? There was no one professed object connected with Mr. Hastings's going up to Benares, which might not as well have been attained in Calcutta. The only difference would have been, that in the latter case, he must have entered some part of his proceedings upon the consultations, whether he wished it or not. If he had a mind to negotiate with the Vizier, he had a resident at his court and the Vizier had a resident in Calcutta. The most solemn treaties had often been

been made without any governour general carrying up a delegation of civil and military power. If it had been his object to break treaties, he might have broken them at Calcutta, as he broke the treaty of Chunar. Is there an article in that treaty, that he might not as well have made at Calcutta? Is there an article that he broke (for he broke them all) that he could not have broken at Calcutta? So that whether pledging or breaking the faith of the Company, he might have done both or either, without ever stirring from the presidency.

I can conceive a necessity so urgent, as to supersede all laws; but I have no conception of a necessity that can require two governours general, each forming separately a *Supreme* Council. Nay, to bring the point home to him, —if he had a mind to make Cheit Sing to pay a fine, as he called it, he could have made him do that at Calcutta, as well as at Benares. He had before contrived to make him pay all the extra demands that were imposed upon him; and he well knew that he could send Colonel Camac, or somebody else, to Benares, with a body of troops to enforce the payment. Why then did he go to try experiments there in his own person? For this plain reason;—that he might be enabled to put such sums in his own pocket as he thought fit. It was not and could

could not be for any other purpose: and I defy the wit of man to find out any other.

He says, my Lords, that Cheit Sing might have resisted, and that if he had not been there, the Rajah might have fled with his money; or raised a rebellion for the purpose of avoiding payment. Why then, we ask, did he not send an army? We ask, whether Mr. Markham, with an army under the command of Colonel Popham, or Mr. Fowke, or any other Resident, was not much more likely to exact a great sum of money than Mr. Hastings without an army? My Lords, the answer must be in the affirmative; it is therefore evident, that no necessity could exist for his presence, and that his presence and conduct occasioned his being defeated in this matter.

We find this man armed with an illegal commission, undertaking an enterprise which he has since said was perilous; which proved to be perilous, and in which, as he has told us himself, the existence of the British empire in India was involved. The talisman (your Lordships will remember his use of the word) that charm which kept all India in order; which kept mighty and warlike nations under the government of a few Englishmen, would, I verily believe have been broken for ever, if he, or any other governour general, good or bad, had been killed. Infinite mischiefs would have followed such an event.

The

The situation in which he placed himself, by his own misconduct, was pregnant with danger; and he put himself in the way of that danger, without having any armed force worth mentioning; although he has acknowledged that Cheit Sing had then an immense force. In fact the demand of two thousand cavalry proves that he considered the Rajah's army to be formidable; yet notwithstanding this, with four companies of Seapoys, poorly armed and ill provisioned, he went to invade that fine country, and to force from its sovereign a sum of money, the payment of which he had reason to think would be resisted. He thus rashly hazarded his own being, and the being of all his people.

But, says he, "I did not imagine the Rajah "intended to go into rebellion, and therefore "went unarmed." Why then was his presence necessary? why did he not send an order from Calcutta for the payment of the money? But what did he do when he got there? "I was "alarmed," says he, "for the Rajah surrounded "my budgerow with two thousand men—that "indicated a hostile disposition." Well, if he did so, what precaution did Mr. Hastings take for his own safety? Why none, my Lords, none, he must therefore have been either a madman, a fool, or a determined declarer of falsehood. Either he thought there was no danger, and therefore

therefore no occasion for providing against it, or he was the worst of governours; the most culpably improvident of his personal safety, of the lives of his officers and men, and of his country's honour.

The demand of 500,000*l.* was a thing likely to irritate the Rajah and to create resistance. In fact he confesses this. Mr. Markham and he had a discourse upon that subject; and agreed to arrest the Rajah, because they thought the enforcing this demand might drive him to his forts, and excite a rebellion in the country. He therefore knew there was danger to be apprehended from this act of violence; and yet knowing this, he sent one unarmed Resident to give the orders, and four unarmed companies of Sepoys to support him. He provokes the people; he goads them with every kind of insult, added to every kind of injury, and then rushes into the very jaws of danger, provoking a formidable foe by the display of a puny, insignificant force.

In expectation of danger, he seized the person of the Rajah, and he pretends that the Rajah suffered no disgrace from his arrest. But, my Lords, we have proved, what was stated by the Rajah, and was well known to Mr. Hastings, that to imprison a person of elevated station, in that country, is to subject him to the highest dishonour and disgrace; and would make the person

person so imprisoned, utterly unfit to execute the functions of government ever after.

I have now to state to your Lordships a transaction, which is worse than his wantonly playing with the safety of the Company, worse than his exacting sums of money by fraud and violence. My Lords, the history of this transaction must be prefaced, by describing to your Lordships the duty and privileges attached to the office of *Naib*. A naib is an officer well known in India, as the administrator of the affairs of any government, whenever the authority of the regular holder is suspended. But although the naib acts only as a deputy; yet when the power of the principal is totally superseded, as by imprisonment or otherwise, and that of the naib is substituted, he becomes the actual sovereign, and the principal is reduced to a mere pensioner. I am now to show your Lordships whom Mr. Hastings appointed as naib to the government of the country, after he had imprisoned the Rajah.

Cheit Sing had given him to understand through Mr. Markham, that he was aware of the design of suspending him, and of placing his government in the hands of a naib whom he greatly dreaded. This person was called Oossaun Sing; he was a remote relation of the family, and an object of their peculiar suspicion and terrour.

terrour. The moment Cheit Sing was arrested, he found that his prophetick soul spoke truly, for Mr. Hastings actually appointed this very man to be his master. And who was this man? We are told by Mr. Markham, in his evidence here, that he was a man who had dishonoured his family; he was the disgrace of his house; that he was a person who could not be trusted; and Mr. Hastings, in giving Mr. Markham full power afterwards to appoint naibs, expressly excepted this Oossaun Sing from all trust whatever, as a person totally unworthy of it. Yet this Oossaun Sing, the disgrace and calamity of his family, an incestuous adulturer, and a supposed issue of a guilty connexion, was declared naib. Yes, my Lords, this degraded, this wicked and flagitious character, the Rajah's avowed enemy, was, in order to heighten the Rajah's disgrace, to embitter his ruin, to make destruction itself dishonourable as well as destructive, appointed this naib. Thus, when Mr. Hastings had imprisoned the Rajah in the face of his subjects, and in the face of all India, without fixing any term for the duration of his imprisonment, he delivered up the country to a man whom he knew to be utterly undeserving. A man whom he kept in view for the purpose of frightening the Rajah, and whom he was obliged to depose on account of his misconduct; almost

almost as soon as he had named him; and to exclude specially from all kind of trust. We have heard of much tyranny, avarice, and insult in the world, but such an instance of tyranny, avarice, and insult combined has never before been exhibited.

We are now come to the last scene of this flagitious transaction. When Mr. Hastings imprisoned the Rajah, he did not renew his demand for the 500,000*l.* but he exhibited a regular charge of various pretended delinquencies against him, digested into heads, and he called on him, in a dilatory, irregular way of proceeding, for an answer. The man, under every difficulty and every distress, gave an answer to every particular of the charge, as exact and punctilious as could have been made to articles of impeachment in this House.

I must here request your Lordships to consider the order of these proceedings. Mr. Hastings, having determined upon the utter ruin and destruction of this unfortunate prince, endeavoured by the arrest of his person, by a contemptuous disregard to his submissive applications, by the appointment of a deputy, who was personally odious to him, and by the terrour of still greater insults, he endeavoured, I say, to goad him on to the commission of some acts of resistance, sufficient to give a colour of justice

to

to that last dreadful extremity, to which he had resolved to carry his malignant rapacity. Failing in this wicked project, and studiously avoiding the declaration of any terms upon which the Rajah might redeem himself from these violent proceedings, he next declared his intention of seizing his forts, the depository of his victim's honour, and of the means of his subsistence. He required him to deliver up his accounts and accountants, together with all persons who were acquainted with the particulars of his effects and treasures, for the purpose of transferring those effects to such persons as he (Mr. Hastings) chose to nominate.

It was at this crisis of aggravated insult and brutality, that the indignation, which these proceedings had occasioned in the breasts of the Rajah's subjects, burst out into an open flame. The Rajah had retired to the last refuge of the afflicted, to offer up prayers to his God and our God, when a vile chubdar or tipstaff came to interrupt and insult him. His alarmed and loyal subjects felt for a beloved sovereign that deep interest which we should all feel if our sovereign were so treated. What man with a spark of loyalty in his breast,—what man regardful of the honour of his country, when he saw his sovereign imprisoned, and so notorious a wretch appointed his deputy, could be a

patient witness of such wrongs? The subjects of this unfortunate prince did what we should have done; what all who love their country, who love their liberty, who love their laws, who love their property, who love their sovereign, would have done on such an occasion. They looked upon him as their sovereign, although degraded. They were unacquainted with any authority superiour to his, and the phantom of tyranny, which performed these oppressive acts, was unaccompanied by that force, which justifies submission, by affording the plea of necessity. An unseen tyrant, and four miserable companies of Sepoys, executed all the horrible things that we have mentioned. The spirit of the Rajah's subjects was roused by their wrongs, and encouraged by the contemptible weakness of their oppressors. The whole country rose up in rebellion, and surely in justifiable rebellion. Every writer on the law of nations;—every man that has written, thought, or felt upon the affairs of government, must write, know, think and feel, that a people so cruelly scourged and oppressed, both in the person of their chief and in their own persons, were justified in their resistance. They were roused to vengeance, and a short but most bloody war followed.

We charge the Prisoner at your bar with all the consequences of this war. We charge him

with the murder of our Sepoys, whom he sent unarmed to such a dangerous enterprise. We charge him with the blood of every man, that was shed in that place; and we call him, as we have called him, a tyrant, an oppressor, and a murderer. We call him murderer in the largest and fullest sense of the word; because he was the cause of the murder of our English officers and Sepoys, whom he kept unarmed, and unacquainted with the danger to which they would be exposed by the violence of his transactions. He sacrificed to his own nefarious views every one of those lives, as well as the lives of the innocent natives of Benares, whom he designedly drove to resistance by the weakness of the force opposed to them, after inciting them, by tyranny and insult, to that display of affection towards their sovereign, which is the duty of all good subjects.

My Lords, these are the iniquities which we have charged upon the Prisoner at your bar; and I will next call your Lordships' attention to the manner in which these iniquities have been pretended to be justified. You will perceive a great difference in the manner in which this Prisoner is tried, and of which he so much complains, and the manner in which he dealt with the unfortunate object of his oppression. The latter thus openly appeals to his accuser, "You

" are," says he, " upon the spot. It is happy " for me that you are so. You can now inquire " into my conduct." Did Mr. Hastings so inquire? No my Lords, we have not a word of any inquiry; he even found fresh matter of charge in the answer of the Rajah; although if there is any fault in this answer, it is its extremely humble and submissive tone. If there was any thing faulty in his manner, it was his extreme humility and submission. It is plain he would have almost submitted to any thing. He offered in fact, 220,000*l.* to redeem himself from greater suffering. Surely no man going into rebellion would offer 220,000*l.* of the treasure which would be so essential to his success; nor would any government, that was really apprehensive of rebellion, call upon the suspected person to arm and discipline two thousand horse. My Lords, it is evident no such apprehensions were entertained; nor was any such charge made until punishment had commenced. A vague accusation was then brought forward, which was answered by a clear and a natural defence, denying some parts of the charge, evading and apologizing for others, and desiring the whole to be inquired into. To this request the answer of the governour general was, That won't do, you shall have no inquiries. And why? Because I have arbitrary power, you have no rights, and

I can

I can and will punish you without inquiry. I admit, that if his will is the law, he may take the charge before punishment, or the punishment before the charge, or he may punish without making any charge. If his will is the law, all I have been saying amounts to nothing. But I have endeavoured to let your Lordships see, that in no country upon the earth is the will of a despot, law. It may produce wicked, flagitious, tyrannical acts, but in no country is it law.

The duty of a sovereign in cases of rebellion, as laid down in the Hedaia, agrees with the general practice in India. It was usual, except in cases of notorious injustice and oppression, whenever a rebellion or a suspicion of a rebellion existed, to admonish the rebellious party and persuade him to return to his duty. Causes of complaint were removed and misunderstandings explained, and, to save the effusion of blood, severe measures were not adopted until they were rendered indispensable. This wise and provident law is or ought to be the law in all countries; it was in fact, the law in that country, but Mr. Hastings did not attend to it. His unfortunate victim was goaded to revolt and driven from his subjects, although he endeavoured by message after message to reconcile this cruel tyrant to him. He is told in reply, You have shed the blood of Englishmen, and

I will never be reconciled to you. Your Lordships will observe, that the reason he gives for such an infernal determination (for it cannot be justly qualified by any other word) is of a nature to make tyranny the very foundation of our government. I do not say here upon what occasion people may or may not resist: but surely, if ever there was an occasion on which people, from love to their sovereign and regard to their country, might take up arms, it was this. They saw a tyrant violent in his demands, and weak in his power. They saw their prince imprisoned and insulted, after he had made every offer of submission, and had laid his turban three times in the lap of his oppressor. They saw him, instead of availing himself of the means he possessed of cutting off his adversary, (for the life of Mr. Hastings was entirely in his power,) betaking himself to flight. They then thronged round him, took up arms in his defence, and shed the blood of some of his insulters. Is this resistance so excited, so provoked, a plea for irreconcileable vengeance?

I must beg pardon for having omitted to lay before your Lordships, in its proper place, a most extraordinary paper, which will shew you in what manner judicial inquiries are conducted, upon what grounds charges are made, by what sort of evidence they are supported, and, in short,

to

to what perils the lives and fortunes of men are subjected in that country. This paper is in the printed minutes, page 1608. It was given in agreeably to the retrograde order which they have established in their judicial proceedings. It was produced to prove the truth of a charge of rebellion, which was made some months before the paper in evidence was known to the accuser.

" To the Honourable Warren Hastings. Sir, " —About the month of November last, I com- " municated to Mr. Markham, the substance of " a conversation said to have passed between " Rajah Cheit Sing and Saadut Ally, and which " was reported to me by a person in whom I had " some confidence. The mode of communi- " cating this intelligence to you, I left entirely " to Mr. Markham. In this conversation, which " was private, the Rajah and Saadut Ally were " said to have talked of Hyder Ally's victory " over Colonel Baillie's detachment; to have " agreed that they ought to seize this oppor- " tunity of consulting their own interest, and to " have determined to watch the success of " Hyder's arms. Some days after this conver- " sation was said to have happened, I was in- " formed by the same person, that the Rajah " had received a message from one of the " Begums at Fyzabad (I think it was from Sujah

" ul Dowlah's widow,) advising him to comply " with the demands of government, and en- " couraging him to expect support in case of " his resisting. This also, I believe, I commu- " nicated to Mr. Markham, but not being per- " fectly certain, I now think it my duty to re- " move the possibility of your remaining unac- " quainted with a circumstance, which may not " be unconnected with the present conduct of " the Rajah."

Here then is evidence of evidence given to Mr. Markham by Mr. Balfour, from Lucknow, in the month of November 1781, long after the transaction at Benares. But what was this evidence: I communicate, he says, the subject of " a conversation said to have passed." Observe, *said*, not a conversation that had passed to his knowledge or recollection; but what his informant said had passed. He adds, this conversation was reported to him by a person whom he won't name, but in whom, he says, he had some confidence. This anonymous person, in whom he had put some confidence, was not himself present at the conversation. He only reports to him, that it was *said* by somebody else, that such a conversation had taken place. This conversation, which somebody told Colonel Balfour he had heard, was said by somebody to have taken place, if true, related to matters of great importance;

importance; still the mode of its communication was left to Mr. Markham, and that gentleman did not bring it forward till some months after. Colonel Balfour proceeds to say. "Some days "after this conversation was said to have hap- "pened," (your Lordships will observe, it is always, 'was said to have happened,') "I was "informed by the same person, that the Rajah "had received a message from one of the "Begums at Fyzabad, (I think it was from "Sujah ul Dowlah's widow) advising him not "to comply with the demands of government, "and encouraging him to expect support in case "of his resisting." He next adds, "this also "I believe," (observe, he says he is not quite sure of it) "I communicated to Mr. Markman, "but not being perfectly certain," (of a matter the immediate knowledge of which, if true, was of the highest importance to his country) "I now think it my duty to remove the possi- "bility of your remaining unacquainted with a "circumstance, which may not be unconnected "with the present conduct of the Rajah."

Here is a man that comes with information long after the fact deposed to, and after having left to another the communication of his intelligence to the proper authority, that other neglects the matter. No letter of Mr. Markham's appears, communicating any such conversation to

to Mr. Hastings; and indeed why he did not do so, must appear very obvious to your Lordships, for a more contemptible, ridiculous, and absurd story never was invented. Does Mr. Balfour come forward, and tell him who his informant was? No. Does he say, he was an informant whom I dare not name, upon account of his great consequence, and the great confidence I had in him? No. He only says, slightly, "I have some confidence in him." It is upon this evidence of a reporter of what another is *said* to have *said*, that Mr. Hastings and his council rely for proof, and have thought proper to charge the Rajah with having conceived rebellious designs, soon after the time when Mr. Hastings had declared his belief that no such designs had been formed.

Mr. Hastings has done with his charge of rebellion what he did with his declaration of arbitrary power; after he had vomited it up in one place, he returns to it in another. He here declares (after he had recorded his belief that no rebellion was ever intended,) that Mr. Markham was in possession of information which he might have believed, if it had been communicated to him. Good heavens! when you review all these circumstances, and consider the principles upon which this man was tried and punished, what must you think of the miserable situation of

persons

persons of the highest rank in that country, under the government of men who are disposed to disgrace and ruin them in this iniquitous manner!

Mr. Balfour is in Europe, I believe. How comes it that he is not produced here to tell your Lordships who was his informer, and what he knows of the transaction. They have not produced him, but have thought fit to rely upon this miserable beggarly semblance of evidence, the very production of which was a crime, when brought forward for the purpose of giving colour to acts of injustice and oppression. If you ask, who is this Mr. Balfour? He is a person who was a military collector of revenue in the province of Rohil Cund; a country now ruined and desolated, but once the garden of the world. It was from the depth of that horrible, devastating system that he gave this ridiculous, contemptible evidence, which if it can be equalled, I shall admit that there is not one word we have said, that you ought to attend to.

Your Lordships are now enabled to sum up the amount, and estimate the result of all this iniquity. The Rajah himself is punished, he is ruined and undone, but the 500,000*l.* is not gained. He has fled his country, but he carried his treasures with him. His forts are taken possession

session of, but there was nothing found in them. It is the report of the country, and is so stated by Mr. Hastings, that he carried away with him, in gold and silver, to the value of about 400,000 *l.*: and thus that sum was totally lost, even as an object of plunder, to the Company. The author of the mischief lost his favourite object by his cruelty and violence. If Mr. Hastings had listened to Cheit Sing at first; if he had answered his letters, and dealt civilly with him; if he had endeavoured afterwards to compromise matters; if he had *told* him what his demands were; if, even after the rebellion had broken out, he had demanded and exacted a fine; the Company would have gained 220,000 *l.* at least, and perhaps a much larger sum, without difficulty. They would not then have had 400,000 *l.* carried out of the country by a tributary chief, to become, as we know that sum has become, the plunder of the Mahrattas and our other enemies. I state to you the account of the profit and loss of tyranny; take it as an account of profit and loss: forget the morality, forget the law, forget the policy; take it, I say, as a matter of profit and loss. Mr. Hastings lost the subsidy; Mr. Hastings lost the 220,000 *l.* which was offered him, and more that he might have got. Mr. Hastings lost it all, and the Company lost the 400,000 *l.* which

which he meant to exact. It was carried from the British dominions, to enrich its enemies for ever.

This man, my Lords, has not only acted thus vindictively himself, but he has avowed the principle of revenge as a general rule of policy, connected with the security of the British government in India. He has dared to declare, that if a native once draws his sword, he is not to be pardoned; that you never are to forgive any man who has killed an English soldier. You are to be implacable and resentful; and there is no maxim of tyrants, which, upon account of the supposed weakness of your government, you are not to pursue. Was this the conduct of the Mogul conquerors of India? and must this *necessarily* be the policy of their Christian successors? I pledge myself, if called upon, to prove the contrary. I pledge myself to produce, in the history of the Mogul empire, a series of pardons and amnesties for rebellions, from its earliest establishments, and in its most distant provinces.

I need not state to your Lordships, what you know to be the true principles of British policy in matters of this nature. When there has been provocation, you ought to be ready to listen to terms of reconciliation, even after war has been made. This you ought to do, to show that you are placable; such policy as this would doubtless

less be of the greatest benefit and advantage to you. Look to the case of Sujah Dowlah; you had, in the course of a war with him, driven him from his country; you had not left him in possession of a foot of earth in the world. The Mogul was his sovereign, and, by his anthority, it was in your power to dispose of the Vizierate, and of every office of state which Sujah Dowlah held under the Emperour; for he hated him mortally, and was desirous of dispossessing him of every thing. What did you do? Though he had shed much English blood, you re-established him in all his power; you gave him more than he before possessed, and you had no reason to repent your generosity. Your magnanimity and justice proved to be the best policy, and was the subject of admiration from one end of India to the other. But Mr. Hastings had other maxims and other principles. You are weak, he says, and therefore you ought never to forgive. Indeed, Mr. Hastings never does forgive. The Rajah was weak, and he persecuted him; Mr. Hastings was weak, and he lost his prey. He went up the country with the rapacity, but not with the talons and beak, of a vulture. He went to look for plunder, but he was himself plundered, the country was ravaged, and the prey escaped.

After the escape of Cheit Sing, there still existed

existed in one corner of the country some further food for Mr. Hastings's rapacity. There was a place called Bidjigur, one of those forts which Mr. Hastings declared could not be safely left in the possession of the Rajah; measures were therefore taken to obtain possession of this place, soon after the flight of its unfortunate proprietor. And what did he find in it? A great and powerful garrison? No, my Lords, he found in it the wives and family of the Rajah, he found it inhabited by two hundred women, and defended by a garrison of eunuchs and a few feeble militia men. This fortress was supposed by him to contain some money, which he hoped to lay hold of when all other means of rapacity had escaped him. He first sends (and you have it on your minutes) a most cruel, most atrocious, and most insulting message to these unfortunate women; one of whom, a principal personage of the family, we find him in the subsequent negotiation scandalizing in one minute, and declaring to be a woman of respectable character in the next; treating her by turns as a prostitute and as an amiable woman, as best suited the purposes of the hour. This woman, with two hundred of her sex, he found in Bidjigur. Whatever money they had, was their own property, and as such Cheit Sing, who had visited the place before his flight, had left it for their support, thinking that it

it would be secure to them as their property, because they were persons wholly void of guilt as they must needs have been. This money the Rajah might have carried off with him; but he left it them, and we must presume that it was their property; and no attempt was ever made by Mr. Hastings to prove otherwise. They had no other property that could be found. It was the only means of subsistence for themselves, their children, their domesticks, and dependants, and for the whole female part of that once illustrious and next to royal family.

But to proceed. A detachment of soldiers was sent to seize the forts; soldiers are habitually men of some generosity; even when they are acting in a bad cause they do not wholly lose the military spirit. But Mr. Hastings, fearing that they might not be animated with the same lust of plunder as himself, stimulated them to demand the plunder of the place; and expresses his hopes, that no composition would be made with these women, and that not one shilling of the booty would be allowed them. He does not trust to their acting as soldiers who have their fortunes to make; but he stimulates and urges them not to give way to the generous passions and feelings of men.

He thus writes from Benares, the 22d of October 1781, ten o'clock in the morning,—"I am this

" this instant favoured with yours of yesterday;
" mine to you of the same date has before this
" time acquainted you with my resolutions and
" sentiments respecting the Raunee. I think
" every demand she has made to you, except
" that of safety and respect for her person, is
" unreasonable. If the reports brought to me
" are true, your rejecting her offers, or any ne-
" gociation with her, would soon obtain you
" possession of the fort upon your own terms.
" I apprehend that she will contrive to defraud
" the captors of a considerable part of the booty,
" by being suffered to retire without exami-
" nation; but this is your consideration, and
" not mine. I should be sorry that your officers
" and soldiers lost any part of the reward to
" which they are so well entitled, but I cannot
" make any objection; as you must be the best
" judge of the expediency of the promised in-
" dulgence to the Raunee. What you have
" engaged for I will certainly ratify; but as to
" permitting the Raunee to hold the pergunnah
" of Kurteck, or any other in the zemindary,
" without being subject to the authority of the
" zemindar; or any lands whatever, or indeed
" making any conditions with her for a pro-
" vision; I will never consent to it."

My Lords, you have seen the principles upon which this man justifies his conduct. Here his

real nature, character, and disposition break out. These women had been guilty of no rebellion. He never charged them with any crime but that of having wealth; and yet you see with what ferocity he pursues every thing that belonged to the destined object of his cruel, inhuman, and more than tragick revenge. If, says he, you have made an agreement with them, and will insist upon it, I will keep it; but if you have not, I beseech you not to make any. Don't give them any thing; suffer no stipulations whatever of a provision for them. The capitulation I will ratify, provided it contains no article of future provision for them: this he positively forbad; so that his blood-thirsty vengeance would have sent out these two hundred innocent women to starve naked in the world.

But he not only declares, that the money found in the fort is the soldiers'; he adds, that he should be sorry if they lost a shilling of it. So that you have here a man not only declaring that the money was theirs, directly contrary to the Company's positive orders upon other similar occasions, and after he had himself declared that prize money was poison to soldiers; but directly inciting them to insist upon their right to it.

A month had been allowed by proclamation, for the submission of all persons who had been in rebellion, which submission was to entitle them

them to indemnity. But, my Lords, he endeavoured to break the publick faith with these women, by inciting the soldiers to make no capitulation with them, and thus depriving them of the benefit of the proclamation, by preventing their voluntary surrender.

[Mr. Burke here read the proclamation.]

From the date of this proclamation, it appears that the surrender of the fort was clearly within the time given to those who had been guilty of the most atrocious acts of rebellion, to repair to their homes and enjoy an indemnity. These women had never quitted their homes, nor had they been charged with rebellion, and yet they were cruelly excluded from the general indemnity; and after the army had taken unconditional possession of the fort, they were turned out of it, and ordered to the quarters of the commanding officer, Major Popham. This officer had received from Mr. Hastings a power to rob them, a power to plunder them, a power to distribute the plunder, but no power to give them any allowance, nor any authority even to receive them.

In this disgraceful affair the soldiers shewed a generosity, which Mr. Hastings neither shewed nor would have suffered, if he could have prevented it. They agreed amongst themselves to give to these women three lacks of rupees, and

some trifle more; and the rest was divided as a prey among the army. The sum found in the fort was about 238,000 *l.* not the smallest part of which was in any way proved to be Cheit Sing's property, or the property of any person but the unfortunate women who were found in the possession of it.

The plunder of the fort being thus given to the soldiers, what does Mr. Hastings next do? He is astonished and stupified to find so much unprofitable violence; so much tyranny, and so little pecuniary advantage; so much bloodshed, without any profit to the Company. He therefore breaks his faith with the soldiers; declares that, having no right to the money, they must refund it to the Company; and, on their refusal, he instituted a suit against them. With respect to the three lacks of rupees, or 30,000 *l.* which was to be given to these women, have we a scrap of paper to prove its payment? is there a single receipt or voucher to verify their having received one sixpence of it? I am rather inclined to think that they did receive it, or some part of it, but I don't know a greater crime in publick officers than to have no kind of vouchers for the disposal of any large sums of money which pass through their hands; but this, my Lords, is the great vice of Mr. Hastings's government.

I have briefly taken notice of the claim which

Mr

Mr. Hastings thought proper to make, on the part of the Company, to the treasure found in the fort of Bidjigur, after he had instigated the army to claim it as the right of the captors. Your Lordships will not be at a loss to account for this strange and barefaced inconsistency. This excellent governour foresaw that he would have a bad account of this business to give to the contractors in Leadenhall-street; who consider laws, religion, morality, and the principles of state policy of empires, as mere questions of profit and loss. Finding that he had dismal accounts to give of great sums expended without any returns, he had recourse to the only expedient that was left him. He had broken his faith with the ladies in the fort, by not suffering his officers to grant them that indemnity which his proclamation offered. Then, finding that the soldiers had taken him at his word, and appropriated the treasure to their own use, he next broke his faith with them. A constant breach of faith is a maxim with him. He claims the treasure for the Company; and institutes a suit before Sir Elijah Impey, who gives the money to the Company, and not to the soldiers. The soldiers appeal; and since the beginning of this trial, I believe even very lately, it has been decided by the Council, that the letter of Mr. Hastings was not, as Sir Elijah Impey pretended,

a mere private letter, because it had "Dear Sir," in it; but a publick order, authorizing the soldiers to divide the money among themselves.

Thus 200,000*l.* was distributed among the soldiers; 400,000*l.* was taken away by Cheit Sing, to be pillaged by all the Company's enemies, through whose countries he passed; and so ended one of the great sources from which this great financier intended to supply the exigencies of the Company, and recruit their exhausted finances.

By this proceeding, my Lords, the national honour is disgraced; all the rules of justice are violated, and every sanction, human and divine, trampled upon. We have, on one side, a country ruined, a noble family destroyed, a rebellion raised by outrage and quelled by bloodshed, the national faith pledged to indemnity, and that indemnity faithlessly withheld from helpless, defenceless women; while the other side of the picture is equally unfavourable. The East India Company have had their treasure wasted, their credit weakened, their honour polluted, and their troops employed against their own subjects, when their services were required against foreign enemies.

My Lords, it only remains for me, at this time, to make a few observations upon some proceedings of the Prisoner, respecting the revenue of

Benares. I must first state to your Lordships, that in the year 1780, he made a demand upon that country, which, by his own account, if it had been complied with, would only have left 23,000*l.* a year, for the maintenance of the Rajah and his family. I wish to have this account read, for the purpose of verifying the observations which I shall have to make to your Lordships.

[Here the account was read.]

I must now observe to your Lordships, that Mr. Markham and Mr. Hastings have stated the Rajah's net revenue at forty-six lacks: but the accounts before you state it at forty lacks only. Mr. Hastings had himself declared, that he did not think the country could safely yield more; and that any attempt to extract more would be ruinous.

Your Lordships will observe, that the first of these estimates is unaccompanied with any document whatever, and that it is contradicted by the papers of receipt and the articles of account, from all of which it appears, that the country never yielded more than forty lacks, during the time that Mr. Hastings had it in his possession; and you may be sure he squeezed as much out of it as he could. He had his own residents; first Mr. Markham, then Mr. Fowke, then Mr. Grant; they all went up with a design to make

the most of it. They endeavoured to do so; but they never could screw it up to more than forty lacks, by all the violent means which they employed. The ordinary subsidy, as paid at Calcutta by the Rajah, amounted to twenty-two lacks; and it is therefore clearly proved by this paper, that Mr. Hastings's demand of fifty lacks (500,000*l.*) joined to the subsidies, was more than the whole revenue which the country could yield. What hoarded treasure the Rajah possessed, and which Mr. Hastings says he carried off with him, does not appear. That it was any considerable sum, is more than Mr. Hastings knows; more than can be proved; more than is probable. He had not, in his precipitate flight, any means, I think, of carrying away a great sum. It further appears from these accounts, that after the payment of the subsidy, there would only have been left 18,000*l.* a year for the support of the Rajah's family and establishments.

Your Lordships have now a standard, not a visionary one, but a standard verified by accurate calculation, and authentick accounts. You may now fairly estimate the avarice and rapacity of this man, who describes countries to be enormously rich, in order that he may be justified in pillaging them. But however insatiable the Prisoner's avarice may be, he has other objects

in

in view, other passions rankling in his heart, besides the lust of money. He was not ignorant, and we have proved it by his own confession, that his pretended expectation of benefit to the Company could not be realized; but he well knew, that by enforcing his demands he should utterly and effectually ruin a man, whom he mortally hated and abhorred; a man, who could not, by any sacrifices offered to the avarice, avert the cruelty of his implacable enemy.

As long as truth remains, as long as figures stand, as long as two and two are four, as long as there is mathematical and arithmetical demonstration, so long shall his cruelty, rage, ravage, and oppression remain evident to an astonished posterity. I shall undertake, my Lords, when this court meets again, to develope the consequences of this wicked proceeding. I shall then show you, that that part of the Rajah's family which he left behind him, and which Mr. Hastings pretended to take under his protection, was also ruined, undone, and destroyed; and that the once beautiful country of Benares, which he has had the impudence to represent as being still in a prosperous condition, was left by him in such a state as would move pity in any tyrant in the world, except the one who now stands before you.

TRIAL

OF

WARREN HASTINGS, ESQ.

TUESDAY, 3d JUNE 1794.

THIRD DAY OF REPLY.

(MR. BURKE.)

MY LORDS,

WE are called, with an awful voice, to come forth, and make good our Charge against the Prisoner at your bar; but as a long time has elapsed since your Lordships heard that Charge, I shall take the liberty of requesting my worthy Fellow Manager near me, to read that part to your Lordships, which I am just now going to observe upon, that you may be the better able to apply my observations to the letter of the Charge.

[Mr. Wyndham reads.]

"That the said Warren Hastings, having as aforesaid expelled the said Cheit Sing from his dominions, did, of his own usurped authority, and without any communication with, or any approbation

approbation given by the other members of the Council, nominate and appoint Rajah Mehipnerain to the government of the provinces of Benares, and did appoint his father Durbedgy Sing as administrator of his authority, and did give to the British Resident, Mr. Markham, a controlling authority over both; and did further abrogate and set aside all treaties and agreements which subsisted between the states of Benares and the British nation; and did arbitrarily and tyrannically, of his mere authority raise the tribute to the sum of four hundred thousand pounds sterling, or thereabouts; did further wantonly and illegally impose certain oppressive duties upon goods and merchandise, to the great injury of trade and ruin of the province; and did farther dispose of, as his own, the property within the said provinces, by granting the same, or parts thereof, in pensions to such persons as he thought fit.

"That the said Warren Hastings did, sometime in the year 1782, enter into a clandestine correspondence with William Markham, Esquire, the then Resident at Benares, which said Markham had been, by him the said Warren Hastings, obtruded into the said office, contrary to the positive orders of the Court of Directors; and in consequence of the representation of the said Markham, did, under pretence that the new excessive

excessive rent or tribute was in arrear, and that the affairs of the province were likely to fall into confusion, authorize and empower him, by his own private authority, to remove the said Durbedgy Sing from his office, and deprive him of his estate.

" That the said Durbedgy Sing was, by the private orders and authorities given by the said Warren Hastings, and in consequence of the representations aforesaid, violently thrown into prison, and cruelly confined therein, under the pretence of the non-payment of the arrears of the tribute aforesaid.

" That the widow of Bulwant Sing, and the Rajah Mehipnerain, did pointedly accuse the said Markham of being the sole cause of any delay in the payment of the tribute aforesaid, and did offer to prove the innocence of the said Durbedgy Sing, and also to prove that the faults ascribed to him were solely the faults of the said Markham; yet the said Warren Hastings did pay no regard whatever to the said representations, nor make any inquiry into the truth of the same, but did accuse the said widow of Bulwant Sing and Rajah aforesaid, of gross presumption for the same; and listening to the representation of the person accused (viz. the Resident Markham), did continue to confine the said Durbedgy Sing in prison, and did invest the Resident Markham

Markham with authority to bestow his office upon whomsoever he pleased.

" That the said Markham did bestow the said office of administrator of the province of Benares, upon a person named Jagger Deo Sing, who, in order to gratify the arbitrary demands of the said Warren Hastings, was obliged greatly to distress and harass the unfortunate inhabitants of the said province.

" That the said Warren Hastings did, some time in the year 1784, remove the said Jagger Deo Sing from the said office, under pretence of certain irregularities and oppressions, which irregularities and oppressions are solely imputable to him the said Warren Hastings.

" That the consequence of all these violent changes and arbitrary acts was the total ruin and desolation of the country, and the flight of the inhabitants; the said Warren Hastings having found every place abandoned at his approach, even by the officers of the very government which he established; and seeing nothing but traces of devastation in every village, the province in effect without a government, the administration misconducted, the people oppressed, the trade discouraged, and the revenue in danger of a rapid decline.

" All which destruction, devastation, oppression and ruin, are solely imputable to the above mentioned,

mentioned, and other arbitrary, illegal, unjust, and tyrannical acts of him the said Warren Hastings, who, by all and every one of the same, was and is guilty of high crimes and misdemeanours."

[Mr. Burke proceeded.]

My Lords, you have heard the Charge; and you are now going to see the Prisoner at your bar, in a new point of view. I will now endeavour to display him in his character of a legislator, in a foreign land, not augmenting the territory, honour and power of Great Britain, and bringing the acquisition under the dominion of law and liberty, but desolating a flourishing country, that to all intents and purposes was our own; a country which we had conquered from freedom, from tranquillity, order and prosperity, and submitted, through him, to arbitrary power, misrule, anarchy and ruin. We now see the object of his corrupt vengeance utterly destroyed, his family driven from their home, his people butchered, his wife and all the females of his family robbed and dishonoured in their persons, and the effects which husband and parents had laid up in store for the subsistence of their families, all the savings of provident economy, distributed amongst a rapacious soldiery. His malice is victorious. He has well avenged, in the destruction of this unfortunate family, the Rajah's

Rajah's intended visit to General Clavering; he has well avenged the suspected discovery of his bribe to Mr. Francis. "Thou hast it now, King, "Cawdor, Glamis, all."

Let us see, my Lords, what use he makes of this power; how he justifies the bounty of fortune bestowing on him this strange and anomalous conquest. Anomalous I call it, my Lords, because it was the result of no plan in the cabinet, no operation in the field. No act or direction proceeded from him the responisble chief, except the merciless orders, and the grant to the soldiery. He lay skulking and trembling in the fort of Chunar, while the British soldiery entitled themselves to the plunder which he held out to them. Nevertheless, my Lords, he conquers; the country is his own; he treats it as his own. Let us therefore see how this sccessor of Tamerlane, this emulator of Ghinges Khan, governs a country conquered by the talents and courage of others, without assistance, guide, direction or counsel, given by himself.

My Lords, I will introduce his first act to your Lordships' notice, in the words of the Charge. "The said Warren Hastings did, sometime in "the year 1782, enter into a clandestine cor- "respondence with William Markham, Esquire, "the then Resident at Benares, which said "Markham had been, by him the said Warren "Hastings,

" Hastings, obtruded into the said office, con-
" trary to the positive orders of the Court of
" Directors." This unjustifiable obtrusion, this illegal appointment, shews you, at the very outset, that he defies the laws of his country; most positively and pointedly defies them. In attempting to give a reason for this defiance, he has chosen to tell a branch of the legislature, from which originated the Act, which wisely and prudently ordered him to pay implicit obedience to the Court of Directors, that he removed Mr. Fowke from Benares, contrary to the orders of the Court, on political grounds; because says he, " I thought it necessary the Resident there
" should be a man of my own nomination and
" confidence. I avow the principle, and think
" no government can subsist without it. The
" punishment of the Rajah made no part of my
" design in Mr. Fowke's removal, or Mr. Mark-
" ham's appointment, nor was his punishment
" an object of my contemplation at the time
" I removed Mr. Fowke to appoint Mr. Mark-
" ham; an appointment of my own choice, and
" a signal to notify the restoration of my own
" authority, as I had before removed Mr.
" Fowke and appointed Mr. Graham for the
" same purpose."

Here, my Lords, he does not even pretend that he had any view whatever in this appointment

ment of Mr. Markham, but to defy the laws of his country. "I must," says he, "have a man "of my own nomination, because it is a signal "to notify the restoration of my own authority, "as I had before removed Mr. Fowke for the "same purpose."

I must beg your Lordships to keep in mind, that the greater part of the observations with which I shall trouble you, have a reference to the *principles* upon which this man acts; and I beseech you to remember always, that you have before you a question and an issue of law. I beseech you to consider what it is that you are disposing of; that you are not merely disposing of this man and his cause; but that you are disposing of the laws of your country.

You, my Lords, have made, and we have made, an Act of Parliament, in which the Council at Calcutta is vested with a special power, distinctly limited and defined. He says, my authority is absolute. I defy the orders of the Court of Directors, because it is necessary for me to shew that I can disregard them, as a signal of my own authority. He supposes his authority gone, while he obeys the laws; but, says he, the moment I got rid of the bonds and barriers of the laws, (as if there had been some act of violence and usurpation that had deprived him of his rightful powers,) I was restored to

my own authority. What is this authority to which he is restored? Not an authority vested in him by the East India Company; not an authority sanctioned by the laws of this kingdom. It is neither of these, but the authority of Warren Hastings; an inherent divine right, I suppose, which he has thought proper to claim as belonging to himself; something independent of the laws; something independent of the Court of Directors; something independent of his brethren of the Council. It is "my own "authority."

And what is the signal by which you are to know when this authority is restored? By his obedience to the Court of Directors; by his attention to the laws of his country; by his regard to the rights of the people? No, my Lords, no; the notification of the restoration of this authority is a formal disobedience of the orders of the Court of Directors. When you find the laws of the land trampled upon, and their appointed authority despised, then you may be sure that the authority of the Prisoner is re-established

There is, my Lords, always a close connexion between vices of every description, The man who is a tyrant, would, under some other circumstances, be a rebel; and he that is a rebel, would become a tyrant. They are things which originally

ginally proceed from the same source. They owe their birth to the wild unbridled lewdness of arbitrary power. They arise from a contempt of publick order, and of the laws and institutions which curb mankind. They arise from a harsh, cruel, and ferocious disposition, impatient of the rules of law, order, and morality: and accordingly, as their relation varies, the man is a tyrant if a superior, a rebel if an inferior. But this man, standing in a middle point, between the two relations, the superior and inferior, declares himself at once both a rebel and a tyrant. We therefore naturally expect, that when he has thrown off the laws of his country, he will throw off all other authority. Accordingly, in defiance of that authority to which he owes his situation, he nominates Mr. Markham to the residency at Benares, and therefore every act of Mr. Markham is his. He is responsible;—doubly responsible to what he would have been, if in the ordinary course of office he had named this agent.

Every governour is responsible for the misdemeanors committed under his legal authority, for which he does not punish the delinquent; but the Prisoner is doubly responsible in this case, because he assumed an illegal authority, which can be justified only, if at all, by the good resulting from the assumption.

Having now chosen his principal instrument, and his confidential and sole counsellor, having the country entirely in his hand, and every obstacle that could impede his course swept out of the arena, what does he do under these auspicious circumstances? You would imagine, that in the first place, he would have sent down to the Council at Calcutta a general view of his proceedings, and of their consequences, together with a complete statement of the revenue; that he would have recommended the fittest persons for publick trusts, with such other measures as he might judge to be most essential to the interest and honour of his employers. One would have imagined he would have done this, in order that the Council and the Court of Directors might have a clear view of the whole existing system, before he attempted to make a permanent arrangement for the administration of the country. But, on the contrary, the whole of his proceedings is clandestinely conducted; there is not the slightest communication with the Council upon the business, till he had determined and settled the whole. Thus the Council was placed in a complete dilemma, either to confirm all his wicked and arbitrary acts, for such we have proved them to be, or to derange the whole administration of the country again, and to make another revolution, as complete and dreadful as that which he had made.

The task which the governour general had imposed upon himself, was, I admit, a difficult one; but those who pull down important ancient establishments, who wantonly destroy modes of administration, and public institutions, under which a country has prospered, are the most mischievous, and therefore the wickedest of men. It is not a reverse of fortune, it is not the fall of an individual, that we are here talking of. We are indeed sorry for Cheit Sing and Durbedgy Sing, as we should be sorry for any individual under similar circumstances.

It is wisely provided in the constitution o our heart, that we should interest ourselves in the fate of great personages. They are therefore made every where the objects of tragedy, which addresses itself directly to our passions and our feelings. And why? Because men of great place, men of great rank, men of great hereditary authority, cannot fall without a horrible crash upon all about them. Such towers cannot tumble without ruining their dependent cottages.

The prosperity of a country, that has been distressed by a revolution which has swept off its principal men, cannot be re-established without extreme difficulty. This man, therefore, who wantonly and wickedly destroyed the existing government of Benares, was doubly bound to use all possible care and caution in supplying

the loss of those institutions which he had destroyed, and of the men whom he had driven into exile. This, I say, he ought to have done. Let us now see what he really did do.

He set out by disposing of all the property of the country as if it was his own. He first confiscated the whole estates of the Baboos, the great nobility of the country, to the amount of six lacks of rupees. He then distributed the lands and revenue of the country, according to his own pleasure; and as he had seized the lands without our knowing why or wherefore, so the portion which he took away from some persons he gave to others, in the same arbitrary manner, and without any assignable reason.

When we were enquiring what jaghires Mr. Hastings had thought proper to grant, we found, to our astonishment, (though it is natural that his mind should take this turn,) that he endowed several charities with jaghires. He gave a jaghire to some Brahmins, to pray for the perpetual prosperity of the Company, and others to procure the prayers of the same class of men for himself. I do not blame his Gentoo piety, when I find no Christian piety in the man; let him take refuge in any superstition he pleases. The crime we charge is, his having distributed the lands of others at his own pleasure. Whether this proceeded from piety, from ostentation, or from

)m any other motive, it matters not. We con-
ıd, that he ought not to have distributed such
ıd at all; that he had no right to do so;—and
ısequently, the gift of a single acre of land,
his own private will, was an act of robbery,
her from the publick or some individual.
When he had thus disturbed the landed pro-
·ty of Benares, and distributed it according
his own will, he thought it would be proper
fix upon a person to govern the country; and
this person he himself made the choice. It
:s not appear, that the people could have lost,
n by the revolt of Cheit Sing, the right which
; inherent in them, to be governed by the
·ful successor of his family. We find, how-
r, that this man, by his own authority, by the
itrary exercise of his own will and fancy, did
ık proper to nominate a person to succeed the
ah, who had no legal claims to the succes-
ı. He made choice of a boy about nineteen
rs old; and he says he made that choice upon
principle of this boy's being descended from
want Sing, by the female line. But he does
pretend to say, that he was the proper and
ıral heir to Cheit Sing; and we will shew
the direct contrary. Indeed, he confesses the
trary himself; for he argues, in his defence,
: when a new system was to be formed with

the successor of Cheit Sing, who was not his heir, such successor had no claim of right.

But perhaps the want of right was supplied by the capacity and fitness of the person who was chosen. I do not say, that this does or can for one moment supersede the positive right of another person; but it would palliate the injustice in some degree. Was there in this case any palliative matter? Who was the person chosen by Mr. Hastings to succeed Cheit Sing? My Lords, the person chosen was a minor; for we find, the Prisoner at your bar immediately proceeded to appoint him a guardian. This guardian he also chose by his own will and pleasure, as he himself declares, without referring to any particular claim or usage; without calling the Pundits to instruct him, upon whom, by the Gentoo laws, the guardianship devolved.

I admit, that in selecting a guardian he did not in one respect act improperly, for he chose the boy's father, and he could not have chosen a better guardian for his person. But for the administration of his goverment, qualities were required which this man did not possess. He should have chosen a man of vigour, capacity, and diligence; a man fit to meet the great difficulties of the situation in which he was to be placed.

Mr.

Mr. Hastings, My Lords, plainly tells you, that he did not think the man's talents to be extraordinary; and he soon afterwards says, that he had a great many incapacities. He tells you, that he has a doubt whether he was capable of realizing those hopes of revenue which he (Mr. Hastings) had formed. Nor can this be matter of wonder, when we consider that he had ruined and destroyed the ancient system, the whole scheme and tenor of publick offices; and had substituted nothing for them but his own arbitrary will. He had formed a plan of an entire new system, in which the practical details had no reference to the experience and wisdom of past ages. He did not take the government as he found it; he did not take the system of offices as it was arranged to his hand; but he dared to make the wicked and flagitious experiment, which I have stated; an experiment upon the happiness of a numerous people, whose property he had usurped and distributed in the manner which has been laid before your Lordships. The attempt failed, and he is responsible for the consequences.

How dared he to make these experiments? In what manner can he be justified for playing fast and loose with the dearest interests, and perhaps with the very existence of a nation? Attend to the manner in which he justifies himself, and you

you will find the whole secret let out. "The easy "accumulation of too much wealth," he says, "had been Cheit Sing's ruin; it had buoyed "him up with extravagant and ill-founded no- "tions of independence, which I very much "wished to discourage in the future Rajah. "Some part therefore of the superabundant pro- "duce in the country I turned into the coffers "of the sovereign by an augmentation of the "tribute." Who authorized him to make any augmentation of the tribute? But above all, who authorized him to augment it upon this principle? I must take care the tributary prince does not grow too rich, if he gets rich he will get proud. This prisoner has got a scale like that in the almanack, "war begets poverty; "poverty peace," and so on. The first rule that he lays down is, that he will keep the new Rajah in a state of poverty; because if he grows rich he will become proud, and behave as Cheit Sing did. You see the ground, foundation, and spirit, of the whole proceeding. Cheit Sing was to be robbed. Why? Because he is too rich. His successor is to be reduced to a miserable condition. Why? Lest he should grow rich and become troublesome. The whole of his system is to prevent men from growing rich, lest if they should grow rich, they should grow proud, and seek independence. Your Lorkships see, that

in

in this man's opinion riches must beget pride. I hope your Lordships will never be so poor as to cease to be proud; for ceasing to be proud, you will cease to be independent.

Having resolved that the Rajah should not grow rich, for fear he should grow proud and independent, he orders him to pay forty lacks of rupees or 400,000*l.* annually to the Company. The tribute had before been 250,000*l.* and he all at once raised it to 400,000*l.* Did he previously inform the Council of these intentions? Did he inform them of the amount of the gross collections of the country, from any properly authenticated accounts procured from any publick office?

I need not inform your Lordships, that it is a serious thing to draw out of a country, instead of 250,000*l.*, an annual tribute of 400,000*l.* There were other persons besides the Rajah, concerned in this enormous increase of revenue. The whole country is interested in its resources being fairly estimated and assessed; for if you overrate the revenue which it is supposed to yield to the great general collector, you necessitate him to overrate every under-collector, and thereby instigate them to harass and oppress the people. It is upon these grounds that we have charged the Prisoner at your bar, with having acted arbitrarily, illegally, unjustly and tyrannically:

tyrannically: and your Lordships will bear in mind, that these acts were done by his sole authority, which authority we have shewn to have been illegally assumed.

My Lords, before he took the important steps which I have just stated, he consulted no one but Mr. Markham, whom he placed over the new Rajah. The Rajah was only nineteen years old: but Mr. Markham undoubtedly had the advantage of him in this respect, for he was twenty-one. He had also the benefit of five months experience of the country; an abundant experience to be sure, my Lords, in a country where it is well known, from the peculiar character of its inhabitants, that a man cannot any where put his foot without placing it upon some trap or mine, until he is perfectly acquainted with its localities. Nevertheless, he puts the whole country and a prince of nineteen, as appears from the evidence, into the hands of Mr. Markham, a man of twenty-one. We have no doubt of Mr. Markham's capacity, but he could have no experience in a country over which he possessed a general controuling power. Under these circumstances, we surely shall not wonder if this young man fell into errour. I do not like to treat harshly the errours into which a very young person may fall: but the man who employs him and puts him into a situation for which he has

has neither capacity nor experience, is responsible for the consequences of such an appointment; and Mr. Hastings is doubly responsible in this case, because he placed Mr. Markham as Resident, merely to show that he defied the authority of the Court of Directors.

But my Lords, let us proceed. We find Mr. Hastings resolved to exact forty lacks from the country; although he had no proof that such a tribute could be fairly collected. He next assigns to this boy the Rajah, emoluments amounting to about 60,000*l.* a year. Let us now see upon what grounds he can justify the assignment of these emoluments. I can perceive none but such as are founded upon the opinion of its being necessary to the support of the Rajah's dignity. Now, when Mr. Markham, who is the sole ostensible actor in the management of the new Rajah, as he had been a witness to the deposition of the former, comes before you to give an account of what he thought of Cheit Sing, who appears to have properly supported the dignity of his situation, he tells you, that about a lack or a lack and a half (10,000*l.* or 15,000*l.*) a year was as much as Cheit Sing could spend. And yet this young creature, settled in the same country, and who was to pay 400,000*l.* a year, instead of 250,000*l.* tribute to the Company, was authorized by Mr. Hastings to collect

and

and reserve to his own use 60,000*l.* out of the revenue. That is to say, he was to receive four times as much as was stated by Mr. Hastings, on Mr. Markham's evidence, to have been necessary to support him.

Your Lordships tread upon corruption every where. Why was such a large revenue given to the young Rajah to support his dignity, when, as they say, Cheit Sing did not spend above a lack and half in support of his; though it is known he had great establishments to maintain; that he had erected considerable buildings adorned with fine gardens; and, according to them, had made great preparations for war?

We must at length imagine, that they knew the country could bear the impost imposed upon it. I ask, how did they know this? We have proved to you, by a paper presented here by Mr. Markham, that the net amount of the collections was about 360,000*l.* This is their own account, and was made up, as Mr. Markham says, by one of the clerks of Durbedgy Sing, together with his Persian moonshey, (a very fine council to settle the revenues of the kingdom,) in his private house. And with this account before them, they have dared to impose upon the necks of that unhappy people a tribute of 400,000*l.* together with an income for the Rajah of 60,000*l.* These sums the Naib Durbedgy Sing

Sing was bound to furnish, and left to get them as he could. Your Lordships will observe, that I speak of the net proceeds of the collections. We have nothing to do with the gross amount. We are speaking of what came to the publick treasury, which was no more than I have stated; and it was out of the publick treasury that these payments were to be made, because there could be no other honest way of getting the money.

But let us now come to the main point, which is to ascertain what sums the country could really bear. Mr. Hastings maintains (whether in the speech of his counsel or otherwise, I do not recollect) that the revenue of the country was 400,000 *l.* that it constantly paid that sum, and flourished under the payment. In answer to this, I refer your Lordships, first to Mr. Markham's declaration, and the Wassil Baakee, which is in page 1750 of the printed Minutes. I next refer your Lordships to Mr. Duncan's Reports, in page 2493. According to Mr. Duncan's publick estimate of the revenue of Benares, the net collections of the very year we are speaking of, when Durbedgy Sing had the management, and when Mr. Markham, his Persian moonshey, and a clerk in his private house, made their estimates, without any documents, or with whatever documents, or God only knows, for nothing appears on the record of the transaction; the collections yielded

yielded in that year but 340,000*l.* that is 20,000*l.* less than Mr. Markham's estimate. But take it which way you will, whether you take it at Mr. Markham's 360,000*l.* or at Mr. Duncan's 340,000*l.* your Lordships will see, that after reserving 60,000*l.* for his own private expenses, the Rajah could not realize a sum nearly equal to the tribute demanded.

Your Lordships have also in evidence before you, an account of the produce of the country, for I believe full five years after this period, from which it appears that it never realized the forty lacks, or any thing like it. Yielding only thirty-seven and thirty-nine lacks, or thereabouts, which is 20,000*l.* short of Mr. Markham's estimate, and 160,000*l.* short of Mr. Hastings's. On what data could the Prisoner at your bar have formed this estimate? Where were all the clerks and mutseddies, where were all the men of business in Benares, who could have given him complete information upon the subject? We do not find the trace of any of them; all our information is Mr. Markham's moonshey, and some clerk of Durbedgy Sing's employed in Mr. Markham's private counting-house, in estimating revenues of a country.

The disposable revenue was still further reduced by the jaghires which Mr. Hastings granted, but to what amount does not appear.

He

He mentions the increase in the revenue, by the confiscation of the estates of the Baboos, who had been in rebellion. This he rates at six lacks. But we have inspected the accounts; we have examined them with that sedulous attention, which belongs to that branch of the legislature that has the care of the publick revenues, and we have not found one trace of this addition. Whether these confiscations were ever actually made, remains doubtful; but if they were made, the application or the receipt of the money they yielded does not appear in any account whatever. I leave your Lordships to judge of this.

But it may be said, that Hastings might have been in an errour. If he was in an errour, my Lords, his errour continued an extraordinary length of time. The errour itself was also extraordinary in a man of business; it was an errour of account. If his confidential agent, Mr. Markham, had originally contributed to lead him into the errour, he soon perceived it. He soon informed Mr. Hastings, that his expectations were erroneous, and that he had overrated the country. What then are we to think of his persevering in this errour? Mr. Hastings might have formed extravagant and wild expectations when he was going up the country to plunder; for we allow that avarice may often

overcalculate the hoards that it is going to rob. If a thief is going to plunder a banker's shop, his avarice, when running the risk of his life, may lead him to imagine there is more money in the shop than there really is. But when this man was in possession of the country, how came he not to know and understand the condition of it better? In fact he was well acquainted with it, for he has declared it to be his opinion, that forty lacks was an overrated calculation; and that the country could not continue to pay this tribute at the very time he was imposing it. You have this admission in page 294 of the printed Minutes; but in the very face of it he says, If the Rajah will exert himself, and continue for some years the regular payment, he will then grant him a remission. Thus the Rajah was told, what he well knew, that he was overrated, but that at sometime or another, he was to expect a remission. And what, my Lords, was the condition upon which he was to obtain this promised indulgence? The punctual payment of that which Mr. Hastings declares he was not able to pay; and which he could not pay without ruining the country, betraying his own honour and character, and acting directly contrary to the duties of the station in which Mr. Hastings had placed him. Thus this unfortunate man was compelled

to have recourse to the most rigorous exaction, that he might be enabled to satisfy the exorbitant demand which had been made upon him.

But let us suppose that the country was able to afford the sum at which it was assessed and that nothing was required but vigour and activity in the Rajah. Did Mr. Hastings endeavour to make his strength equal to the task imposed on him? No; the direct contrary; in proportion as he augmented the burthens of this man, in just that proportion he took away his strength and power of supporting these burthens.

There was not one of the external marks of honour, which attended the government of Cheit Sing, that he did not take away from the new Rajah; and still, when this new man came to his new authority, deprived of all external marks of consequence, and degraded in the opinion of his subjects, he was to extort from his people an additional revenue, payable to the Company, of fifteen lacks of rupees more than was paid by the late Rajah, in all the plenitude of undivided authority. To increase this difficulty still more, the father and guardian of this inexperienced youth was a man who had no credit or reputation in the country. This circumstance alone was a sufficient drawback from the weight of his authority; but Mr. Hastings took care that

he should be divested of it altogether, for, as our Charge states, he placed him under the immediate direction of Mr. Markham; and consequently Mr. Markham was the governour of the country. Could a man, with a reduced, divided, contemptible authority, venture to strike such bold and hardy strokes as would be efficient, without being oppressive? Could he, or any other man, thus bound and shackled, execute such vigorous and energetick measures, as were necessary to realize such an enormous tribute as was imposed upon this unhappy country?

My Lords, I must now call your attention to another circumstance, not mentioned in the Charge, but connected with the appointment of the new Rajah, and of his naib, Durbedgy Sing, and demonstrative of the unjust and cruel treatment to which they were exposed. It appears, from a letter produced here by Mr. Markham, (upon which kind of correspondence I shall take the liberty to remark hereafter), that the Rajah lived in perpetual apprehension of being removed, and that a person, called Oossaun Sing, was intended as his successor. Mr. Markham, in one part of his correspondence, tells you, that the Rajah did not intend to hold the government any longer. Why? Upon a point of right, namely, that he did not possess it upon the same advantageous

advantageous terms as Cheit Sing; but he tells you in another letter, (and this is a much better key to the whole transaction,) that he was in dread of that Oossaun Sing, whom I have just mentioned. This man Mr. Hastings kept ready to terrify the Rajah; and you will, in the course of these transactions, see that there is not a man in India, of any consideration, against whom Mr. Hastings did not keep a kind of pretender, to keep him in continual awe. This Oossaun Sing, whom Mr. Hastings brought up with him to Benares, was dreaded by Cheit Sing, not less than by his successor. We find, that he was at first nominated naib or acting governour of the country; but had never been put in actual possession of this high office, and Durbedgy Sing was appointed to it. Although Oossaun Sing was thus removed, he continued his pretensions, and constantly solicited the office. Thus the poor man, appointed by Mr. Hastings, and actually in possession, was not only called upon to perform tasks beyond his strength, but was over-awed by Mr. Markham, and terrified by Oossaun Sing (the mortal enemy of the family) who, like an accusing fiend, was continually at his post, and unceasingly reiterating his accusations. This Oossaun Sing was, as Mr. Markham tells you, one of the causes of the Rajah's continued dejection and despondency;

but it does not appear that any of these circumstances were ever laid before the Council; the whole passed between Mr. Hastings and Mr. Markham.

Mr. Hastings having by his arbitrary will thus disposed of the revenue, and of the landed property of Benares, we will now trace his further proceedings, and their effects. He found the country most flourishing in agriculture and in trade; but not satisfied with the experiment he had made upon the government, upon the revenues, upon the reigning family, and upon all the landed property, he resolved to make as bold and as novel an experiment upon the commercial interests of the country. Accordingly he entirely changed that part of the revenue system, which affects trade and commerce, the life and soul of a state. Without any advice that we know of, except Mr. Markham's, he sat down to change, in every point, the whole commercial system of that country; and he effected the change upon the same arbitrary principles which he had before acted upon, namely, his own arbitrary will. We are told, indeed, that he consulted bankers and merchants; but when your Lordships shall have learned what has happened from this experiment, you will easily see whether he did resort to proper sources of information or not. You will see, that the mischief

chief which has happened has proceeded from the exercise of arbitrary power. Arbitrary power, my Lords, is always a miserable creature. When a man once adopts it as the principle of his actions, no one dares to tell him a truth; no one dares to give him any information that is disagreeable to him; for all know, that their life and fortune depend upon his caprice. Thus the man, who lives in the exercise of arbitrary power, condemns himself to eternal ignorance. Of this the Prisoner at your bar affords us a striking example. This man, without advice, without assistance, and without resource, except in his own arbitrary power; stupidly ignorant in himself, and puffed up with the constant companion of ignorance, a blind presumption, alters the system of commercial imposts, and thereby ruined the whole trade of the country, leaving no one part of it undestroyed.

Let me now call your Lordships' attention to his assumption of power, without one word of communication with the Council at Calcutta, where the whole of these trading regulations might and ought to have been considered, and where they could have been deliberately examined and determined upon. By this assumption, the Council was placed in the situation which I have before described; it must either confirm his acts, or again undo every thing which

had been done. He had provided, not only against resistance, but almost against any inquiry into his wild projects. He had, by his opium contracts, put all vigilance asleep; and by his bullock and other contracts, he had secured a variety of concealed interests, both abroad and at home. He was sure of the ratification of his acts by the Council, whenever he should please to inform them of his measures; and to his secret influence he trusted for impunity in his career of tyranny and oppression.

In bringing before you his arbitrary mode of imposing duties, I beg to remind your Lordships, that when I examined Mr. Markham, concerning the imposing of a duty of five per cent, instead of the former duty of two, I asked him, whether that five per cent was not laid on in such a manner as utterly to extinguish the trade; and whether it was not, in effect and substance, five times as much as had been paid before. What was his answer? Why, that many plans, which, when considered in the closet, look specious and plausible, will not hold when they come to be tried in practice, and that this plan was one of them. The additional duties, said he, have never since been exacted. But, my Lords, the very attempt to exact them utterly ruined the trade of the country. They were imposed upon a visionary theory, formed in his own

own closet, and the result was exactly what might have been anticipated. Was it not an abominable thing in Mr. Hastings, to withhold from the Council the means of ascertaining the real operation of his taxes? He had no knowledge of trade himself; he cannot keep an account; he has no memory. In fact, we find him a man possessed of no one quality fit for any kind of business whatever. We find him pursuing his own visionary projects, without knowing any thing of the nature or the circumstances under which the trade of the country was carried on. These projects might have looked very plausible; but when you come to examine the actual state of the trade, it is not merely a difference between five and two per cent, but it becomes a different mode of estimating the commodity, and it amounts to five times as much as was paid before. We bring this as an exemplification of this cursed mode of arbitrary proceeding, and to shew you his total ignorance of the subject, and his total indifference about the event of the measure he was pursuing. When he began to perceive his blunders, he never took any means whatever to put the new regulations which these blunders had made necessary into execution, but he left all this mischievous project to rage in its full extent.

I have shewn your Lordships, how he managed the

the private property of the country;—how he managed the government; and how he managed the trade. I am now to call your Lordships' attention to some of the consequences, which have resulted from the instances of management, or rather gross mismanagement, which have been brought before you. Your Lordships will recollect, that none of these violent and arbitrary measures, either in their conception or in the progress of their execution, were officially made known to the Council. And you will observe, as we proved, that the same criminal concealment existed with respect to the fatal consequences of these acts.

After the flight of Cheit Sing, the revenues were punctually paid by the Naib Durbedgy Sing, month by month, kist by kist, until the month of July, and then, as the country had suffered some distress, the Naib wished this kist or instalment to be thrown on the next month. You will ask, why he wished to burthen this month beyond the rest? I reply, the reason was obvious; the month of August is the last of the year, and he would, at its expiration, have the advantage of viewing the receipts of the whole year, and ascertaining the claim of the country to the remission of a part of the annual tribute which Mr. Hastings had promised, provided the instalments were paid regularly. It

was

was well known to every body, that the country had suffered very considerably by the revolt, and by a drought which prevailed that year. The Rajah, therefore, expected to avail himself of Mr. Hastings's flattering promise, and to save, by the delay, the payment of one of the two kists. But mark the course that was taken; the two kists were at once demanded at the end of the year, and no remission of tribute was allowed. By the promise of remission, Mr. Hastings tacitly acknowledged that the Rajah was overburthened; and he admits, that the payment of the July kist was postponed at the Rajah's own desire. He must have seen the Rajah's motive for desiring delay, and he ought to have taken care that this poor man should not be oppressed and ruined by this compliance with requests founded on such motives.

So passed the year 1781. No complaints of arrears in Durbedgy Sing's payments appear on record before the month of April 1782; and I wish your Lordships seriously to advert to the circumstances attending the evidence respecting these arrears, which has been produced for the first time by the Prisoner in his defence here at your bar. This evidence does not appear in the Company's records; it does not appear in the book of the Benares correspondence; it does not

not appear in any documents to which the Commons could have access; it was unknown to the Directors, unknown to the Council; unknown to the Residents, Mr. Markham's successors, at Benares; unknown to the searching and inquisitive eye of the Commons of Great Britain. This important evidence was drawn out of Mr. Markham's pocket, in the presence of your Lordships. It consists of a private correspondence, which he carried on with Mr. Hastings, unknown to the Council, after Durbedgy Sing had been appointed Naib; after the new government had been established, after Mr. Hastings had quitted that province, and had apparently wholly abandoned it; and when there was no reason whatever why the correspondence should not be publick. This private correspondence of Mr. Markham's, now produced for the first time, is full of the bitterest complaints against Durbedgy Sing. These clandestine complaints, these underhand means of accomplishing the ruin of a man, without the knowledge of his true and proper judges, we produce to your Lordships as a heavy aggravation of our charge, and as a proof of a wicked conspiracy to destroy the man. For if there was any danger of his falling into arrears when the heavy accumulated kists came upon him, the Council ought to have known

that

that danger; they ought to have known every particular of these complaints; for Mr. Hastings had then carried into effect his own plans.

I ought to have particularly marked for your Lordships' attention, this second era of clandestine correspondence between Mr. Hastings and Mr. Markham. It commenced after Mr. Hastings had quitted Benares, and had nothing to do with it but as governour general: even after his extraordinary, and, as we contend, illegal power had completely expired, the same clandestine correspondence was carried on. He apparently considered Benares as his private property; and just as a man acts with his private steward about his private estate, so he acted with the Resident at Benares. He receives from him, and answers letters containing a series of complaints against Durbedgy Sing, which began in April, and continued to the month of November, without making any public communication of them. He never laid one word of this correspondence before the Council until the 29th of November, and he had then completely settled the fate of this Durbedgy Sing.

This clandestine correspondence we charge against him as an act of rebellion; for he was bound to lay before the Council the whole of his correspondence relative to the revenue and all the other affairs of the country. We charge

it

it not only as rebellion against the orders of the Company and the laws of the land, but as a wicked plot to destroy this man, by depriving him of any opportunity of defending himself before the Council, his lawful judges. I wish to impress it strongly on your Lordships' minds, that neither the complaints of Mr. Markham nor the exculpations of Durbedgy Sing were ever made known till Mr. Markham was examined in this hall.

The first intimation afforded the Council of what had been going on at Benares, from April 1782, at which time Mr. Markham says, the complaints against Durbedgy Sing had risen to serious importance, was in a letter dated the 27th of November following. This letter was sent to the Council from Nia Serai, in the Ganges, where Mr. Hastings had retired for the benefit of the air. During the whole time he was in Calcutta, it does not appear, upon the records, that he had ever held any communication with the Council upon the subject. The letter is in the printed Minutes, page 298, and is as follows: "The Governour General—I desire the "Secretary to lay the accompanying letters "from Mr. Markham before the Board, and "request that orders may be immediately sent "to him concerning the subjects contained in "them. It may be necessary to inform the "Board,

" Board, that on repeated information from " Mr. Markham, which indeed was confirmed " to me beyond a doubt, by other channels, " and by private assurances which I could " trust, that the affairs of that province were " likely to fall into the greatest confusion " from the misconduct of Baboo Durbedgy " Sing, whom I had appointed the naib; fear- " ing the dangerous consequences of a delay, " and being at too great a distance to con- " sult the Members of the Board, who I knew " could repose that confidence in my local " knowledge as to admit of this occasional " exercise of my own separate authority, I " wrote to Mr. Markham the letter to which he " alludes, dated the 29th of September last, of " which I now lay before the Board a copy. " The first of the accompanying letters from " Mr. Markham, arrived at a time when a se- " vere return of my late illness obliged me, by " the advice of my physicians, to leave Calcutta " for the benefit of the country air, and pre- " vented me from bringing it earlier before the " notice of the Board."

I have to remark upon this part of the letter, that he claims for himself an exercise of his own authority. He had now no delegation, and therefore no claim to separate authority. He was only a member of the Board: obliged to do every

every thing according to the decision of the majority, and yet he speaks of his own separate authority; and after complimenting himself, he requests its confirmation. The complaints of Mr. Markham had been encreasing, growing and multiplying upon him, from the month of April preceding, and he had never given the least intimation of it to the Board until he wrote this letter. This was at so late a period that he then says, the time won't wait for a remedy. I am obliged to use my own separate authority: although he had had abundant time for laying the whole matter before the Council.

He next goes on to say, "It had indeed "been my intention, but for the same cause, to "have requested the instructions of the Board "for the conduct of Mr. Markham, in the diffi- "culties which he had to encounter imme- "diately after the date of my letter to him; "and to have recommended the substance of it, "for an order to the Board." He seems to have promised Mr. Markham that, if the violent act which Mr. Markham proposed, and which he Mr. Hastings ordered, was carried into execution, an authority should be procured from the Board. He however did not get Mr. Markham such an authority. Why? Because he was resolved, as he has told you, to act by his own separate authority; and because, as he has likewise

likewise told you, that he disobeys the orders of the Court of Directors, and defies the laws of his country, as a signal of his authority.

Now, what does he recommend to the Board? That it will be pleased to confirm the appointment which Mr. Markham made in obedience to his individual orders as well as the directions which he had given him, to exact from Baboo Durbedgy Sing, with the utmost rigour, every rupee of the collections; and either to confine him at Benares, or send him to Chunar; and imprison him there, until the whole of his arrears were paid up. Here then, my Lords, you have, what plainly appears in every act of Mr. Hastings, a feeling of resentment for some personal injury. "I feel myself," says he, "and may be allowed on such an occasion "to acknowledge it, personally hurt at the "ingratitude of this man, and the discredit "which his ill conduct has thrown on my "appointment of him. The Rajah himself, "scarcely arrived at the verge of manhood, "was in understanding but little advanced be-"yond the term of childhood; and it had been "the policy of Cheit Sing to keep him equally "secluded from the world and from business." This is the character Mr. Hastings gives of a man, whom he appointed to govern the country. He goes on to say of Durbedgy Sing;—"As

" he was allowed a jaghire of a very liberal " amount, to enable him to maintain a state and " consequence suitable both to the relation in " which he stood to the Rajah, and the high " office which had been assigned to him, and " sufficient also to free him from the tempta- " tion of little and mean peculations, it is there- " fore my opinion, and I recommend that Mr. " Markham be ordered to divest him of his " jaghire, and reunite it to the Malguzzary, or " the land paying its revenue, through the " Rajah, to the Company.

" The opposition made by the Rajah, and " the old Rannee, both equally incapable of " judging for themselves, do certainly originate " from some secret influence, which ought to be " checked by a decided and peremptory decla- " ration of the authority of the Board, and a " denunciation of their displeasure at their pre- " sumption. If they can be induced to yield " the appearance of a cheerful acquiescence in " the new arrangement, and to adopt it as a " measure formed with their participation, it " would be better than that it should be done " by a declared act of compulsion, but at all " events it ought to be done." My Lords, it had been already done; the naib was dismissed; he was imprisoned: his jaghire was confiscated; all these things were done by Mr. Hastings's

orders. He had resolved to take the whole upon himself; he had acted upon that resolution before he addressed this letter to the Board.

Thus, my Lords, was this unhappy man punished without any previous trial, or any charges, except the complaints of Mr. Markham, and some other private information which Mr. Hastings said he had received. Before the poor object of these complaints could make up his accounts, before a single step was taken, judicially or officially, to convict him of any crime, he was sent to prison, and his private estates confiscated.

My Lords, the Commons of Great Britain claim from you, that no man shall be imprisoned till a regular charge is made against him, and the accused fairly heard in his defence. They claim from you, that no man shall be imprisoned on a matter of account, until the account is settled between the parties. And claiming this, we do say, that the Prisoner's conduct towards Durbedgy Sing was illegal, unjust, violent and oppressive. The imprisonment of this man was clearly illegal on the part of Mr. Hastings, as he acted without the authority of the Council, and doubly oppressive, as the imprisoned man was thereby disabled from settling his account with

the numberless sub-accountants, whom he had to deal with in the collection of the revenue.

Having now done with these wicked, flagitious, abandoned and abominable acts, I shall proceed to the extraordinary powers given by Mr. Hastings to his instrument Mr. Markham, who was employed in perpetrating these acts, and to the very extraordinary instructions which he gave this instrument for his conduct in the execution of the power entrusted to him. In a letter to Mr. Markham, he says, " I need not tell " you, my dear Sir, that I possess a very high " opinion of your abilities, and that I repose the " utmost confidence in your integrity." He might have had reason for both, but he scarcely left to Mr. Markham the use of either. He arbitrarily imposed upon him the tasks which he wished him to execute, and he engaged to bear out his acts by his own power. " From your " long residence at Benares," says he, " and " from the part you have had in the business of " that zemindary, you must certainly best know " the men who are most capable and deserving " of publick employment. From among these " I authorize you to nominate a naib to the " Rajah, in the room of Durbedgy Sing, whom, " on account of his ill conduct, I think it neces- " sary to dismiss from that office. It will be

" hardly

" hardly necessary to except Oossaun Sing from
" the description of men to whom I have limited
" your choice, yet it may not be improper to
" apprize you, that I will, on no terms, con-
" sent to his being naib. In forming the
" arrangements, consequent upon this new ap-
" pointment, I request you will, as far as you
" can with propriety, adopt those which were
" in use during the life of Bulwant Sing; so
" far, at least, as to have distinct offices for dis-
" tinct purposes, independent of each other,
" and with proper men at the head of each; so
" that one office may detect or prevent any
" abuses or irregularities in the others, and to-
" gether form a system of reciprocal checks.
" Upon that principle I desire you will in parti-
" cular establish, under whatever names, one
" office of receipts, and another of treasury;
" the officers of both must be responsible for the
" truth and regularity of their respective ac-
" counts, but not subject in the statement of
" them, to the controul or interference of the
" Rajah or naib; nor should they be removable
" at pleasure, but for manifest misconduct only.
" At the head of one or other of these offices
" I could wish to see the late Boxey Rogoober
" Dyall; his conduct in his former office, his
" behaviour on the revolt of Cheit Sing, and
" particularly at the fall of Bidjigur, together

" with his general character, prove him worthy " of employment, and of the notice of our go- " vernment. It is possible that he may have " objections to holding an office under the pre- " sent Rajah; offer him one, however, and let " him know that you do so by my directions." He then goes on to say, " Do not wholly neglect " the Rajah; consult with him in appearance, " but in appearance only. His situation re- " quires that you should do that much; but his " youth and inexperience forbid that you should " do more."

You see, my Lords, he has completely put the whole government into the hands of a man, who had no name, character or official situation, but that of the Company's Resident at that place. Let us now see what is the office of a Resident? It is to reside at the court of the native prince, to give the Council notice of the transactions that are going on there, and to take care that the tribute be regularly paid kist by kist; but we have seen that Mr. Markham, the resident at Benares, was invested by Mr. Hastings with supreme authority in this unhappy country. He was to name whoever he pleased to its government, with the exception of Oossaun Sing, and to drive out the person who had possessed it under an authority, which could only be revoked by the Council. Thus Mr. Hastings delegated

to

to Mr. Markham an authority which he himself did not really possess, and which could only be legally exercised through the medium of the Council.

With respect to Durbedgy Sing, he adds,— "He has dishonoured my choice of him." *My choice of him!* "It now only remains to guard "against the ill effects of his misconduct, to de- "tect and punish it. To this end I desire that "the officers to be appointed in consequence "of these instructions do, with as much accu- "racy and expedition as possible, make out an "account of the receipts, disbursements, and "transactions of Durbedgy Sing, during the "time he has acted as naib of the zemindary of "Benares; and I desire you will, in my name, "assure him, that unless he pays at the limited "time every rupee of the revenue due to the "Company, his life shall answer for the default. "I need not caution you to provide against his "flight, and the removal of his effects." He here says, my Lords, that he will detect and punish him; but the first thing he does, without any detection, even before the accounts he talks of are made up, and without knowing whether he has got the money or not, he declares that he will have every rupee paid at the time, or otherwise the naib's life shall pay for it.

Is this the language of a British governour;

of a person appointed to govern, *by law*, nations subject to the dominion and under the protection of this kingdom? Is he to order a man to be first imprisoned and deprived of his property; then for an inquiry to be made, and to declare, during that inquiry, that if every rupee of a presumed embezzlement be not paid up, the life of his victim shall answer for it? And accordingly this man's life did answer for it, as I have already had occasion to mention to your Lordships.

I will now read Mr. Markham's letter to the Council, in which he enters into the charges against Durbedgy Sing, after this unhappy man had been imprisoned.

Benares 24th of October 1782.—" I am " sorry that my duty obliges me to mention " to your honourable Board, my apprehensions " of a severe loss accruing to the honourable " Company, if Baboo Durbedgy Sing is con- " tinued in the naibut during the present year. " I ground my fears on the knowledge I have " had of his mismanagement; the bad choice " he has made of his aumils; the mistrust which " they have of him; and the several com- " plaints which have been preferred to me, by " the Ryotts of almost every pergunnah in the " zemindary. I did not choose to waste the " time of your honourable Board, in listening

" to

" to my representations of his inattention to the " complaints of oppression, which were made " to him by his Ryotts, as I hoped that a letter " he received from the honourable Governour " General would have had weight sufficient to " have made him more regular in his business, " and more careful of his son's interest."

My Lords, think of the condition of your government in India! Here is a Resident at Benares exercising power not given to him by virtue of his office, but given only by the private orders of the Prisoner at your bar. And what is it he does? He says, he did not choose to trouble the Council with a particular account of his reasons for removing a man who possessed an high office under their immediate appointment. The Council was not to know them: he did not choose to waste the time of their honourable Board, in listening to the complaints of the people. No; the honourable Board is not to have its time wasted in that improper manner; therefore, without the least inquiry or inquisition, the man must be imprisoned, and deprived of his office: he must have all his property confiscated, and be threatened with the loss of his life.

These are crimes, my Lords, for which the Commons of Great Britain knock at the breasts of your consciences, and call for justice. They would

would think themselves dishonoured for ever, *if* they had not brought these crimes before your Lordships, and with the utmost energy demanded your vindictive justice, to the fullest extent in which it can be rendered.

But there are some aggravating circumstances in these crimes, which I have not yet stated. *It* appears that this unhappy and injured man was, without any solicitation of his own, placed in a situation, the duties of which even Mr. Hastings considered it impossible for him to execute. Instead of supporting him with the countenance of the supreme government, Mr. Hastings did every thing to lessen his weight, his consequence, and authority. And when the business of the collection became embarrassed, without any fault of his, that has ever yet been proved, Mr. Markham instituted an inquiry. What kind of inquiry it was that would or could be made, your Lordships will judge. While this was going on, Mr. Markham tells you, that in consequence of orders which he had received, he first put him into a gentle confinement. Your Lordships know what that confinement was; and you know what it is for a man of his rank to be put into any confinement. We have shewn he was thereby incapable of transacting business. His life had been threatened, if he should not pay in the balance of his accounts within

within a short limited time; still he was subjected to confinement while he had money accounts to settle with the whole country. Could a man in gaol, dishonoured and reprobated, take effectual means to recover the arrears which he was called upon to pay? Could he, in such a situation, recover the money which was unpaid to him, in such an extensive district as Benares. Yet Mr. Markham tells the Council, he thought proper "that Durbedgy Sing should be put "under a gentle confinement, until I shall re-"ceive your honourable Board's orders for "any future measures." Thus Mr. Markham, without any orders from the Council, assumed an authority to do that, which we assert a Resident at Benares had no right to do; but to which he was instigated by Mr. Hastings's recommendation, that Durbedgy Sing should be prevented from flight.

Now, My Lords, was it to be expected, that a man of Durbedgy Sing's rank should suffer these hardships and indignities; and at the same time kiss the rod and say, I have deserved it all? We know, that all mankind revolts at oppression, if it be real. We know, that men do not willingly submit to punishment just or unjust; and we find, that Durbedgy Sing had near relatives, who used for his relief all the power which was left them;—that of remonstrating with his oppressors.

oppressors. Two arzees, or petitions, were presented to the Council, of which we shall first call your Lordship's attention to one from the Dowager Princess of Benares, in favour of her child and of her family.

From the Raunee widow of Bulwant Sing, received the 15th of December 1782—"I and "my children have no hopes but from your "Highness, and our honour and rank are be-"stowed by you. — Mr. Markham, from the "advice of my enemies having protected the "farmers, would not permit the balances to be "collected. Baboo Durbedgy Sing frequently "before desired that gentleman to shew his "resentment against the people who owed "balances, that the balances might be collected, "and to give ease to his mind for the present "year, conformably to the requests signed by "the presence, that he might complete the "Bundobust. But that gentleman would not "listen to him, and having appointed a Mut-"seddy and Taveeldar, employs them in the "collections of the year, and sent two compa-"nies of Sepoys and arrested Baboo Durbedgy "Sing upon this charge, that he had secreted "in his house many lacks of rupees from the "collections, and he carried the mutseddies "and treasurer with their papers to his own "presence. He neither ascertained this matter

by

" by proofs, nor does he complete the ba-
" lance of the Sircar from the jaidaads of the
" balances; right or wrong he is resolved to
" destroy our lives. As we have no asylum or
" hope except from your Highness, and as the
" Almighty has formed your mind to be a dis-
" tributer of justice in these times, I therefore
" hope from the benignity of your Highness,
" that you will inquire and do justice in this
" matter, and that an Aumeen may be ap-
" pointed from the presence, that having dis-
" covered the crimes or innocence of Baboo
" Durbedgy Sing, he may report to the pre-
" sence. Further particulars will be made
" known to your Highness by the arzee of my
" son Rajah Mehipnarain Bahader."

Arzie from Rajah Mehipnarain Bahader, received 15th December 1782.—" I before this
" had the honour of addressing several arzies
" to your presence, but from my unfortunate
" state, not one of them has been perused by
" your Highness, that my situation might be
" fully learnt by you. The case is this, Mr.
" Markham, from the advice of my enemies,
" having occasioned several kinds of losses, and
" given protection to those who owed balances,
" prevented the balance from being collected;
" for this reason, that the money not being paid
" in time, the Baboo might be convicted of in-
" ability.

" ability. From this reason, all the owers of " balances refused to pay the Malwajib of the " Sircar. Before this, the Baboo had frequently " desired that gentleman to shew his resent- " ment against the persons who owed the ba- " lances, that the balances might be paid, and " that his mind might be at ease for the present " year, so that the bundobust of the present year " might be completed; adding, that if, next " year, such kinds of injuries, and protection of " the farmers, were to happen, he should not " be able to support it."

I am here to remark to your Lordships, that the last of these petitions begins by stating, " I before this have had the honour of address- " ing several arzies to your presence; but from " my unfortunate state, not one of them has " been perused by your Highness." My Lords if there is any one right secured to the subject, it is that of presenting a petition, and having that petition noticed. This right grows in importance, in proportion to the power and despotick nature of the governments to which the petitioner is subject. For where there is no sort of remedy from any fixed laws, nothing remains but complaint, and prayers, and petitions. This was the case in Benares, for Mr. Hastings had destroyed every trace of law, leaving only the police of the single city of Benares. Still we find this complaint,

plaint, prayer and petition, was not the first, but only one of many, which Mr. Hastings took no notice of, entirely despised, and never would suffer to be produced to the Council; which never knew any thing, until this bundle of papers came before them, of the complaint of Mr. Markham against Durbedgy Sing, or of the complaint of Durbedgy Sing against Mr. Markham.

Observe, my Lords, the person that put Durbedgy Sing in prison, was Mr. Markham; while the complaint in the arzee is, that Mr. Markham was himself the cause of the very failure for which he imprisoned him. Now what was the conduct of Mr. Hastings, as judge? He has two persons before him; the one in the ostensible care of the revenue of the country; the other his own agent, acting under his authority. The first is accused by the second, of default in his payments: the latter is complained of by the former, who says, that the occasion of the accusation had been furnished by him the accuser. The judge, instead of granting redress, dismisses the complaints against Mr. Markham with reprehension, and sends the complainant to rot in prison, without making one inquiry, or giving himself the trouble of stating to Mr. Markham the complaints against him, and desiring him to clear himself from them. My Lords, if there were

were nothing but this to mark the treacherous and perfidious nature of his conduct, this would be sufficient.

In this state of things, Mr. Hastings thus writes:—"To Mr. Markham. The measures "which you have taken with Baboo Durbedgy "Sing, are perfectly right and proper, so far as "they go, and we now direct, that you exact "from him, with the utmost rigour, every rupee "of the collections which it shall appear that "he has made, and not brought to account, "and either confine him at Benares, or send him "prisoner to Chunar, and keep him in confine-"ment until he shall have discharged the whole "of the amount due from him." He here employs the very person against whom the complaint is made, to imprison the complainant. He approves the conduct of his agent, without having heard his defence, and leaves him at his option, to keep his victim a prisoner at Benares, or to imprison him in the fortress of Chunar, the infernal place to which he sends the persons whom he has a mind to extort money from.

Your Lordships will be curious to know, how this debt of Durbedgy Sing stood at the time of his imprisonment. I will state the matter to your Lordships briefly, and in plain language, referring you for the particulars of the account to the papers which are in your Minutes. It appears

appears from them, that towards the end of the yearly account in 1782, a kist or payment, of eight lacks, (about 80,000*l.*) the balance of the annual tribute, was due. In part of this kist, Durbedgy Sing paid two lacks, (20,000*l.*) Of the remaining six lacks, (60,000*l.*) the outstanding debts in the country due to the revenue, but not collected by the naib, amounted to four lacks, (40,000*l.*) Thus far the account is not controverted by the accusing party; but Mr. Markham asserts, that he *shall* be able to prove that the naib had also actually received the other two lacks, (20,000*l.*); and consequently was an actual defaulter to that amount, and had, upon the whole, suffered the annual tribute to fall six lacks in arrear. The naib denies the receipt of the two lacks just mentioned, and challenges inquiry; but no inquiries appear to have been made, and to this hour Mr. Markham has produced no proof of the fact. With respect to the arrear of the tribute money which appeared on the balance of the whole account, the naib defended himself by alleging the distresses of the country, the diminution of his authority, and the want of support from the supreme government, in the collection of the revenues; and he asserts, that he has assets sufficient, if time and power be allowed him for collecting them, to discharge the whole balance due to the Com-

pany. The immediate payment of the whole balance was demanded, and Durbedgy Sing, unable to comply with the demand, was sent to prison. Thus stood the business, when Mr. Markham, soon after he had sent the naib to prison, quitted the residency; he was succeeded by Mr. Benn, who acted exactly upon the same principle. He declares, that the six lacks demanded were not demanded upon the principle of its having been actually collected by him, but upon the principle of his having agreed to pay it. We have, say Mr. Hastings's agents to the naib, we have a Jew's bond. If it is in your bond, we will have it, or we will have a pound of your flesh; whether you have received it or not, is no business of ours. About this time some hopes were entertained by the Resident, that the naib's personal exertions in collecting the arrears of the tribute might be useful. These hopes procured him a short liberation from his confinement. He was let out of prison, and appears to have made another payment of half a lack of rupees. Still the terms of the bond were insisted on, although Mr. Hastings had allowed that these terms were extravagant, and only one lack and a half of the money which had been actually received, remained unpaid. One would think that common charity, that common decency, that common regard to the decorum of life, would, under such

circumstances,

circumstances, have hindered Mr. Hastings from imprisoning him again. But, my Lords, he was imprisoned again. He continued in prison till Mr. Hastings quitted the country; and there he soon after died,—a victim to the enormous oppression which has been detailed to your Lordships.

It appears that, in the mean time, the Residents had been using other means for recovering the balance due to the Company. The family of the Rajah had not been paid one shilling of the 60,000*l.* allowed for their maintenance. They were obliged to mortgage their own hereditary estates for their support, while the Residents confiscated all the property of Durbedgy Sing. Of the money thus obtained, what account has been given? None, my Lords, none. It must, therefore, have been disposed of in some abominably corrupt way or other, while this miserable victim of Mr. Hastings was left to perish in a prison, after he had been elevated to the highest rank in the country.

But, without doubt, they found abundance of effects after his death? No, my Lords, they did not find any thing. They ransacked his house; they examined all his accounts, every paper that he had, in and out of prison. They searched and scrutinized every thing. They had every penny of his fortune, and I believe, though

I cannot with certainty know, that the man died insolvent; and it was not pretended that he had ever applied to his own use any part of the Company's money.

Thus Durbedgy Sing is gone; this tragedy is finished; a second Rajah of Benares has been destroyed. I do not speak of that miserable puppet, who was said by Mr. Hastings to be in a state of childhood when arrived at manhood; but of the person who represented the dignity of the family. He is gone; he is swept away; and in his name, in the name of this devoted Durbedgy Sing, in the name of his afflicted family, in the name of the people of the country, thus oppressed by an usurped authority, in the name of all these, respecting whom justice has been thus outraged, we call upon your Lordships for justice.

We are now at the commencement of a new order of things. Mr. Markham had been authorized to appoint whoever he pleased as naib, with the exception of Oossaun Sing. He accordingly exercises this power, and chooses a person called Jagger Deo Sing. From the time of the confinement of Durbedgy Sing, to the time of this man's being put into the government, in whose hands were the revenues of the country? Mr. Markham himself has told you, at your bar, that they were in his hands: that he

he was the person who not only named this man, but that he had the sole management of the revenues; and he was, of course, answerable for them all that time. The nominal title of zemindar was still left to the miserable pageant who held it; but even the very name soon fell entirely out of use. It is in evidence before your Lordships, that his name is not even so much as mentioned in the proceedings of the government; and that the person who really governed, was not the ostensible Jagger Deo Sing, but Mr. Markham. The government, therefore, was taken completely and entirely out of the hands of the person who had a legal right to administer it; out of the hands of his guardians; out of the hands of his mother; out of the hands of his nearest relations; and in short, of all those who, in the common course of things, ought to have been entrusted with it. From all such persons I say, it was taken, and where, my Lords, was it deposited? Why, in the hands of a man, of whom we know nothing, and of whom we never heard any thing, before we heard that Mr. Markham of his own usurped authority, authorized by the usurped authority of Mr. Hastings, without the least communication with the Council, had put him in possession of that country.

Mr. Markham himself, as I have just said,

administered the revenues alone, without the smallest authority for so doing, without the least knowledge of the Council, till Jagger Deo Sing was appointed Naib. Did he then give up his authority? No such thing. All the measures of Jagger Deo Sing's government were taken with the concurrence and joint management of Mr. Markham. He conducted the whole; the settlements were made, the leases and agreements with farmers all regulated by him. I need not tell you, I believe, that Jagger Deo Sing was not a person of very much authority in the case: your Lordships would laugh at me, if I said he was. The revenue arrangements were, I firmly believe, regulated and made by Mr. Markham. But whether they were or were not, it comes to the same thing. If they were improperly made and improperly conducted, Mr. Hastings is responsible for the whole of the mismanagement, for he gave the entire controul to a person who had little experience; who was young in the world; (and this is the excuse I wish to make for a gentleman of that age.) He appointed him, and gave him at large a discretionary authority to name whom he pleased to be the ostensible Naib, but we know, that he took the principal part himself in all his settlements and in all his proceedings.

Soon

Soon after the Naib had been thus appointed and instructed by Mr. Markham, he settled, under his directions, the administration of the country. Mr. Markham then desires leave from Mr. Hastings to go down to Calcutta. I imagine he never returned to Benares; he comes to Europe; and here end the acts of this viceroy and delegate.

Let us now begin the reign of Mr. Benn and Mr. Fowke. These gentlemen had just the same power delegated to them that Mr. Markham possessed, not one jot less that I know of; and they were therefore responsible, and ought to have been called to an account by Mr. Hastings, for every part of their proceedings. I will not give you my own account of the reign of these gentlemen; but I will read to you what Mr. Hastings has thought proper to represent the state of the people to be under their government. This course will save your Lordships time and trouble, for it will nearly supersede all observations of mine upon the subject. I hold in my hand Mr. Hastings's representation of the effects produced by a government, which was conceived by himself, carried into effect by himself, and illegally invested by him with illegal powers, without any security or responsibility of any kind. Hear, I say, what an account Mr. Hastings gave, when he afterwards went up

to Benares upon another wicked project, and think what ought to have been his feelings as he looked upon the ruin he had occasioned. Think of the condition in which he saw Benares the first day he entered it. He then saw it beautiful, ornamented, rich; an object, that envy would have shed tears over for its prosperity—that humanity would have beheld with eyes glistening with joy for the comfort and happiness which were there enjoyed by man:—a country flourishing in cultivation to such a degree, that the soldiers were obliged to march in single files through the fields of corn, to avoid damaging them; a country in which Mr. Stables has stated, that the villages were thick beyond all expression; a country where the people pressed round their sovereign, as Mr. Stables also told you, with joy, triumph and satisfaction. Such was the country; and in such a state and under such a master was it when he first saw it. See what it now is under Warren Hastings; see what it is under the British government; and then judge whether the Commons are or are not right in pressing the subject upon your Lordships for your decision; and letting you and all this great auditory know, what sort of a Criminal you have before you, who has had the impudence to represent to your Lordships at your bar, that Benares is in a flourishing condition

dition, in defiance of the evidence which we have under his own hands; and who, in all the false papers that have been circulated to debauch the publick opinion, has stated, that we, the Commons, have given a false representation as to the state of the country under the English government.

Lucknow the 2d of April 1784. Addressed to the honourable Edward Wheler, Esq. &c. Signed Warren Hastings. It is in page 306 of the printed Minutes.—" Gentlemen,—Having " contrived by making forced stages, while the " troops of my escort marched at the ordinary " rate, to make a stay of five days at Benares, " I was thereby furnished with the means of " acquiring some knowledge of the state of the " province which I am anxious to communicate " to you; indeed the inquiry, which was in a " great degree obtruded upon me, affected me " with very mortifying reflections on my own " inability to apply it to any useful purpose. " From the confines of Buxar to Benares I was " followed and fatigued by the clamours of the " discontented inhabitants. It was what I ex- " pected in a degree, because it is rare that the " exercise of authority should prove satisfactory " to all who are the objects of it. The dis- " tresses which were produced by the long con- " continued drought, unavoidably tended to

" heighten

" heighten the general discontent; yet I have
" reason to fear, that the cause existed prin-
" cipally in a defective, if not a corrupt and
" oppressive administration. Of a multitude of
" petitions which were presented to me, and of
" which I took minutes, every one that did not
" relate to a personal grievance, continued the
" representation of one and the same species
" of oppression, which is in its nature of an
" influence most fatal to the future cultivation.
" The practice to which I allude, is this—it is
" affirmed, that the aumils and renters exact
" from the proprietors of the actual harvest, a
" large increase in kind on their stipulated
" rent, that is from those who hold their pot-
" tahs by the tenure of paying one-half of the
" produce of their crops, either the whole with-
" out a subterfuge, or a large proportion of it
" by false measurement or other pretexts; and
" from those whose engagements are for a fixed
" rent in money, the half or a greater propor-
" tion is taken in kind; this is in effect a tax
" upon the industry of the inhabitants, since
" there is scarcely a field of grain in the pro-
" vince, I might say, not one, which has not
" been preserved by the incessant labour of the
" cultivator, by digging wells for their supply
" or watering them from the wells of Marisonry,
" with which this country abounds, or from the
" neighbouring

' neighbouring tanks, rivers, and nullahs. The ' people who imposed on themselves this ' voluntary and extraordinary labour, and not ' unattended with expense, did it in the ex- ' pectation of reaping the profits of it; and it ' is as certain that they would not have done ' it, if they had known that their rulers, from ' whom they were entitled to an indemnifica- ' tion, would take from them what they had ' so hardly earned; if the same administration ' continues, and the country shall again labour ' under a want of the natural rains, every field ' will be abandoned, the revenue fail, and ' thousands perish through the want of sub- ' sistence; for who will labour for the sole ' benefit of others and to make himself the ' subject of vexation? These practices are not ' to be imputed to the aumils employed in ' the districts, but to the Naib himself. The ' avowed principle on which he acts and which ' he acknowledged to myself, is, that the whole ' sum fixed for the revenue of the province ' must be collected, and that for this purpose ' the deficiency arising in places where the ' crops have failed or which have been left un- ' cultivated, must be supplied from the re- ' sources of others where the soil has been ' better suited to the season, or the industry ' of the cultivators more successfully exerted;

" a principle

" a principle which, however specious and plau-
" sible it may at first appear, certainly tends
" to the most pernicious and destructive conse-
" quences. If this declaration of the naib had
" been made only to myself, I might have
" doubted my construction of it, but it was
" repeated by him to Mr. Anderson, who un-
" derstood it exactly in the same sense. In
" the management of the customs, the conduct
" of the naib, or of the officers under him, was
" forced also upon my attention. The exor-
" bitant rates exacted by an arbitrary valuation
" of the goods, the practice of exacting duties
" twice on the same goods, first from the seller
" and afterwards from the buyer; and the
" vexatious disputes and delays drawn on the
" merchants by these oppressions, were loudly
" complained of; and some instances of this
" kind were said to exist at the very time when
" I was in Benares. Under such circumstances
" we are not to wonder if the merchants of
" foreign countries are discouraged from re-
" sorting to Benares, and if the commerce of
" that province should annually decay.

" Other evils or imputed evils have accidentally
" come to my knowledge, which I will not now
" particularize, as I hope that, with the assist-
" ance of the Resident, they may be in part
" corrected; one, however, I must mention,

" because

" because it has been verified by my own ob-
" servation, and is of that kind which reflects
" an unmerited reproach on our general and
" national character. When I was at Buxar,
" the Resident at my desire enjoined the naib
" to appoint creditable people to every town
" through which our route lay, to persuade and
" encourage the inhabitants to remain in their
" houses, promising to give them guards as I
" approached, and they required it for their
" protection; and that he might perceive how
" earnest I was for his observance of this pre-
" caution (which I am certain was faithfully
" delivered) I repeated it to him in person, and
" dismissed him, that he might precede me for
" that purpose; but to my great disappoint-
" ment, I found every place through which I
" passed abandoned; nor had there been a man
" left in any of them for their protection.
" I am sorry to add, that from Buxar to the op-
" posite boundary, I have seen nothing but the
" traces of complete devastation in every village,
" whether caused by the followers of the troops,
" which have lately passed, for their natural
" relief, and I know not whether my own may
" not have had their share, or from the appre-
" hension of the inhabitants left to themselves,
" and of themselves deserting their houses. I
" wish to acquit my own countrymen of the
" blame

" blame of these unfavourable appearances; and
" in my own heart I do acquit them: for at one
" encampment, near a large village called Der-
" rara, in the pergunnah of Zemaneea, a crowd
" of people came to me, complaining that their
" former aumil, who was a native of the place,
" and had long been established in authority
" over them, and whose custom it had been,
" whenever any troops passed, to remain in
" person on the spot, for their protection, hav-
" ing been removed, the new aumil, on the
" approach of any military detachment, himself
" first fled from the place, and the inhabitants,
" having no one to whom they could apply for
" redress, or for the representation of their
" grievances, and being thus remediless, fled also;
" so that their houses and effects became a prey
" to any person who chose to plunder them. The
" general conclusion appeared to me an in-
" evitable consequence from such a state of
" facts, and my own senses bore testimony to it
" in this specifick instance; nor do I know how
" it is possible for any officer commanding a
" military party, how attentive soever he may
" be to the discipline and forbearance of his
" people, to prevent disorders, when there is
" neither opposition to hinder, nor evidence to
" deter them. These, and many other irregu-
" larities, I impute solely to the naib; and I
" think

" think it my duty to recommend his instant
" removal. I would myself have dismissed him,
" had the controul of this province come within
" the line of my powers, and have established
" such regulations and checks as would have
" been most likely to prevent the like irregu-
" larities. I have said checks, because, unless
" there is some visible influence, and a powerful
" and able one impended over the head of the
" manager, no system can avail. The next ap-
" pointed may prove, from some defect, as
" unfit for the office as the present; for the
" choice is limited to few, without experience
" to guide it. The first was of my own nomi-
" nation; his merits and qualifications stood in
" equal balance with my knowledge of those
" who might have been the candidates for the
" office: but he was the father of the Rajah,
" and the affinity sunk the scale wholly in his
" favour; for who could be so fit to be entrusted
" with the charge of his son's interest, and the
" new credit of the rising family? He deceived
" my expectations. Another was recommended
" by the Resident, and at my instance the
" Board appointed him. This was Jagger Deo
" Sing, the present naib. I knew him not, and
" the other members of the Board as little.

" While Mr. Markham remained in office, of
" whom, as his immediate patron, he may have

" stood

" stood in awe, I am told that he restrained his
" natural disposition, which has been described
" to me as rapacious, unfeeling, haughty, and,
" to an extreme, vindictive. I cannot avoid re-
" marking, that, excepting the city of Benares
" itself, the province depending upon it is, in
" effect, without a government, the naib ex-
" ercising only a dependant jurisdiction without
" a principal. The Rajah is without authority,
" and even his name disused in the official in-
" struments issued or taken by the manager.
" The representation of his situation shall be
" the subject of another letter; I have made
" this already too long, and shall confine it to
" the single subject for the communication of
" which it was begun. This permit me to re-
" capitulate. The administration of the province
" is misconducted, and the people oppressed;
" trade discouraged, and the revenue, though
" said to be exceeded in the actual collec-
" tions by many lacks, (for I have a minute
" account of it, which states the net amount,
" including jaghires, as something more than
" fifty-one lacks) in danger of a rapid decline,
" from the violent appropriation of its means;
" the naib or manager is unfit for his office; a new
" manager is required, and a system of official
" control, in a word, a constitution; for neither
" can the Board extend its superintending
" powers

" powers to a district so remote from its obser-
" vation, nor has it delegated that authority to
" the Resident, who is merely the representative
" of government, and the receiver of its revenue
" in the last process of it; nor indeed would
" it be possible to render him wholly so, for
" reasons which I may hereafter detail."

My Lords, you have now heard,—not from the managers,—not from records of office,—not from witnesses at your bar,—but from the Prisoner himself, the state of the country of Benares, from the time that Mr. Hastings and his delegated residents had taken the management of it. My Lords, it is a proof, beyond all other proof, of the melancholy state of the country, in which, by attempting to exercise usurped and arbitrary power, all power and all authority become extinguished, complete anarchy takes place, and nothing of government appears but the means of robbing and ravaging, with an utter indisposition to take one step for the protection of the people.

Think, my Lords, what a triumphal progress it was for a British governour, from one extremity of the province to the other, (for so he has stated it) to be pursued by the cries of an oppressed and ruined people, where they dared to appear before him; and when they did not dare to appear, flying from every place; even

the very magistrates being the first to fly! Think, my Lords, that when these unhappy people saw the appearance of a British soldier, they fled as from a pestilence; and then think, that these were the people who laboured in the manner which you have just heard; who dug their own wells; whose country would not produce any thing but from the indefatigable industry of its inhabitants; and that such a meritorious, such an industrious people, should be subjected to such a cursed anarchy, under pretence of revenue; to such a cursed tyranny, under the pretence of government!

But Jagger Deo Sing was unfit for his office.—How dared you to appoint a man unfit for his office?—O, it signified little, without their having a constitution.—Why did you destroy the official constitution that existed before? How dared you to destroy those establishments which enabled the people to dig wells and to cultivate the country like a garden, and then to leave the whole in the hands of your arbitrary and wicked residents, and their instruments, chosen without the least idea of government, and without the least idea of protection? God has sometimes converted wickedness into madness; and it is to the credit of human reason, that men who are not in some degree mad, are never capable of being in the highest degree wicked.

The

ıe human faculties and reason are in such ıes deranged; and therefore this man has been ıgged by the just vengeance of Providence to ıke his own madness the discoverer of his own cked, perfidious and cursed machinations, in ıt devoted country.

Think, my Lords, of what he says respecting ɜ military. He says, there is no restraining ɜm, that they pillage the country wherever ey go. But had not Mr. Hastings himself just fore encouraged the military to pillage the untry? Did he not make the people's resist-ce, when the soldiers attempted to pillage em, one of the crimes of Cheit Sing? And ıo would dare to obstruct the military in their ominable ravages, when they knew that one of e articles of Cheit Sing's impeachment was his ving suffered the people of the country, when ındered by these wicked soldiers, to return jury for injury, and blow for blow? When ey saw, I say, that these were the things for ïich Cheit Sing was sacrificed, there was ma-festly nothing left for them but flight. What! from a Governour General? You would ɜpect he was bearing to the country, upon his ılmy and healing wings, the cure of all its dis-ders and of all its distress. No; they knew m too well; they knew him to be the destroyer the country; they knew him to be the de-

stroyer of their sovereign, the destroyer of the persons whom he had appointed to govern under him; they knew that neither governour, sub-governour, nor subject, could enjoy a moment's security while he possessed supreme power. This was the state of the country; and this the Commons of England call upon your Lordships to avenge.

Let us now see what is next done by the Prisoner at your bar. He is satisfied with simply removing from his office Jagger Deo Sing, who is accused by him of all these corruptions and oppressions; the other poor unfortunate man, who was not even accused of malversations in such a degree, and against whom not one of the accusations of oppression was regularly proved; but who had, in Mr. Hastings's eye, the one unpardonable fault of not having been made richer by his crimes, was twice imprisoned, and finally perished in prison. But we have never heard one word of the imprisonment of Jagger Deo Sing, who, I believe, after some mock inquiry was acquitted.

Here, my Lords, I must beg you to recollect Mr. Hastings's proceeding with Gunga Govin Sing: and to contrast his conduct towards these two peculators with his proceeding towards Durbedgy Sing. Such a comparison will let your Lordships into the secret of one of the Prisoner's motives

motives of conduct upon such occasions. When you will find a man pillaging and desolating a country, in the manner Jagger Deo Sing is described by Mr. Hastings to have done, but who takes care to secure to himself the spoil, you will likewise find that such a man is safe, secure, unpunished. Your Lordships will recollect the desolation of Dinagepore. You will recollect that the rapacious Gunga Govin Sing, (the coadjutor of Mr. Hastings in peculation), out of 80,000*l.* which he had received on the Company's account, retained 40,000*l.* for his own use, and that instead of being turned out of his employment, and treated with rigour and cruelty, he was elevated in Mr. Hastings's grace and favour, and never called upon for the restoration of a penny. Observe, my Lords, the difference in his treatment of men who have wealth to purchase impunity, or who have secrets to reveal, and of another who has no such merit, and is poor and insolvent.

We have shewn your Lordships the effects of Mr. Hastings's government upon the country and its inhabitants; and although I have before suggested to you some of its effects upon the army of the Company, I will now call your attention to a few other observations on that subject. Your Lordships will in the first place be pleased to attend to the character which he

gives of this army. You have heard what he tells you of the state of the country in which it was stationed, and of the terrour which it struck into the inhabitants. The appearance of an English soldier was enough to strike the country people with affright and dismay. They, every where, he tells you, fled before them, and yet they are the officers of this very army, who are brought here as witnesses to express the general satisfaction of the people of India. To be sure a man who never calls Englishmen to an account for any robbery or injury whatever; who acquits them, upon their good intentions, without any inquiry, will in return for this indemnity have their good words. We are not surprised to find them coming with emulation to your bar, to declare him possessed of all virtues; and that no body has or can have a right to complain of him. But we, my Lords, protest against these indemnities. We protest against their good words. We protest against their testimonials; and we insist upon your Lordships trying him, not upon what this or that officer says of his good conduct, but upon the proved result of the actions tried before you. Without ascribing, perhaps, much guilt to men who must naturally wish to favour the person who covers their excesses,—who suffers their fortunes to be made, you will know what value to set upon their testimony. The

Commons

Commons look on those testimonies with the greatest slight, and they consider as nothing all evidence given by persons, who are interested in the very cause; persons who derive their fortunes from the ruin of the very people of the country, and who have divided the spoils with the man whom we accuse. Undoubtedly these officers will give him their good word. Undoubtedly the residents will give him their good word. Mr. Markham and Mr. Benn, and Mr. Fowke, if he had been called; every servant of the Company, except some few, will give him the same good word, every one of them; because, my Lords, they have made their fortunes under him, and their conduct has not been inquired into.

But to return to the observations we were making upon the ruinous effects in general of the successive governments which had been established at Benares, by the Prisoner at your bar. These effects, he would have you believe, arose from the want of a constitution. Why, I again ask, did he destroy the constitution, which he found established there, or suffer it to be destroyed? But he had actually authorized Mr. Markham to make a new, a regular, an official constitution. Did Mr. Markham make it? No; though he professed to do it, it never was done; and so far from there being any regular, able,

efficient constitution, you see there was an absolute and complete anarchy in the country. The native inhabitants, deprived of their ancient government, were so far from looking up to their new masters for protection, that the moment they saw the face of a soldier or of a British person in authority they fled in dismay, and thought it more eligible to abandon their houses to robbery, than to remain exposed to the tyranny of a British governour. Is this what they call British dominion? Will you sanction, by your judicial authority, transactions done in direct defiance of your legislative authority? Are they so injuriously mad as to suppose your Lordships can be corrupted to betray in your judicial capacity, (the most sacred of the two) what you have ordained in your legislative character?

My Lords, I am next to remind you, what this man has had the insolence and audacity to state at your bar. "In fact," says he, "I can adduce "very many gentlemen now in London, to con- "firm my assertions, that the countries of Be- "nares and Gauzepore, were never, within the "memory of Englishmen, so well protected, so "peaceably governed, or more industriously "cultivated than at the present moment."

Your Lordships know, that this report of Mr. Hastings, which has been read, was made in the year

ear 1784. Your Lordships know, that no step as taken, while Mr. Hastings remained in India, or the regulation and management of the coun-y. If there was, let it be shewn. There was o constitution framed, nor any other means aken for the settlement of the country, except ie appointment of Ajit Sing in the room of Durbedgy Sing, to reign like him, and like him o be turned out. Mr. Hastings left India, in 'ebruary 1785; he arrived here, as I believe, in une or July following. Our proceedings against im commenced in the Sessions of 1786; and his defence was given, I believe, in the year 787. Yet, at that time, when he could hardly ave received any account from India, he was eady he says to produce the evidence (and no oubt might have done so) of many gentlemen hose depositions would have directly contra-icted what he had himself deposed of the state n which he, so short a time before, had left the ountry. Your Lordships cannot suppose that could have recovered its prosperity within that me. We know you may destroy that in a day hich will take up years to build. We know a yrant can in a moment ruin and oppress, but ou cannot restore the dead to life: you cannot n a moment restore fields to cultivation: you annot, as you please, make the people, in a ioment restore old or dig new wells; and yet

Mr.

Mr. Hastings has dared to say to the Commons, that he would produce persons to refute the account which we had fresh from himself. We will, however, undertake to shew you, that the direct contrary was the fact.

I will first refer you to Mr. Barlow's account of the state of trade. Your Lordships will there find a full exposure of the total falsehood of the Prisoner's assertions. You will find that Mr. Hastings himself had been obliged to give orders for the change of almost every one of the regulations he had made; your Lordships may there see the madness and folly of tyranny attempting to regulate trade. In the printed Minutes, page 2830, your Lordships will see how completely Mr. Hastings had ruined the trade of the country. You will find, that wherever he pretended to redress the grievances which he had occasioned, he did not take care to have any one part of his pretended redress executed. When you consider the anarchy in which he states the country through which he passed to have been, you may easily conceive, that regulations for the protection of trade, without the means of enforcing them, must be nugatory.

Mr. Barlow was sent, in the years 1786 and 1787, to examine into the state of the country. He has stated the effect of all those regulations, which Mr. Hastings has had the assurance to represent

represent here as prodigies of wisdom. At the very time when our Charge was brought to this House, (it is a remarkable period, and we desire your Lordships to advert to it) at that time —I do not know whether it was not on the very same day that we brought our Charge to your bar, Mr. Duncan was sent by Lord Cornwallis to examine into the state of that province. Now my Lords, you have Mr. Duncan's report before you, and you will judge whether or not, by any regulation which Mr. Hastings had made, or whether, through *any* means used by him, that country had recovered, or was recovering. Your Lordships will there find other proofs of the audacious falsehood of his representation, that all which he had done had operated on the minds of the inhabitants very greatly in favour of British integrity and good government. Mr. Duncan's report will not only enable you to decide upon what he has said himself; it will likewise enable you to judge of the credit which is due to the gentlemen now in London, whom he can produce to confirm his assertions, that the country of Benares and Gauzepore were never, within the memory of Englishmen, so well protected and cultivated as at the present moment.

Instead, therefore, of a speech from me, you shall hear what the country says itself, by the report

report of the last commissioner who was sent to examine it by Lord Cornwallis. The perfect credibility of his testimony, Mr. Hastings has established out of Lord Cornwallis's mouth; who, being asked the character of Mr. Jonathan Duncan, has declared, that there is nothing he can report of the state of the country, to which you ought not to give credit. Your Lordships will now see how deep the wounds are which tyranny and arbitrary power must make in a country where their existence is suffered; and you will be pleased to observe, that this statement was made at a time when Mr. Hastings was amusing us with *his* account of Benares.

Extract of the proceedings of the Resident at Benares, under date the 16th February 1788, at the perguunah of Gurrah Dehmah, &c.; printed Minutes, page 2610.

" The Resident having arrived in this per-
" gunnah of Gurrah Dehmah, from that of
" Mohammedabad, is very sorry to observe,
" that it seems about one third at least uncul-
" tivated, owing to the mismanagement of the
" few last years. The Rajah however promises,
" that it shall be by next year in a complete
" state of cultivation; and Tobarck Hossaine,
" his aumeen, aumil or agent, professes his con-
" fidence of the same happy effects, saying,
" that

" that he has already brought a great proportion " of the land that lay fallow, when he came " into the pergunnah in the beginning of the " year into cultivation; and that it being " equally the Rajah's directions, and his own " wish, he does not doubt of being successful " in regard to the remaining part of the waste " land."

Report, dated the 18th of February, at the pergunnah of Bulleah.

" THE Resident having come yesterday into " this pergunnah, from that of Gurrah Dehmah, " finds its appearance much superior to that " pergunnah, in point of cultivation; yet it is " on the decline so far, that its collectable " jumma will not be so much this year as it " was last; notwithstanding all the efforts of " Reazel Husn, the agent of Khulb Ali Khan, " who has farmed this pergunnah upon a three " year's lease, (of which the present is the last) " during which his, that is the head farmer's " management cannot be applauded, as the " funds of the pergunnah are very considerably " declined in his hands; indeed Reazel Husn " declares, that this year there was little or no " khereof, or first harvest, in the pergunnah; " and that it has been merely by the greatest " exertions that he has prevailed on the Ryots

" to

" to cultivate the rubby crop which is now on " the ground, and seems plentiful."

Report, dated the 20th of February, at the pergunnah of Khereed.

" The Resident, having this day come into " the pergunnah of Khereed, finds that part of " it laying between the frontiers of Bulleah, the " present station, and Bansdeah, (which is one " of the tuppahs or subdivisions of Khereed) " exceedingly wasted and uncultivated. The " said tuppah is subfarmed by Gobind Ram, " from Kulub Ali Bey, and Gobind Ram has " again under-rented it to the Zemindars."

Report dated the 23d February, at the pergunnah of Sekunderpoor.

" The Resident is set out for Sekunder- " poor, and is sorry to observe, that for about " six or seven coss that he had further to pass " through the pergunnah of Kereebs, the whole " appeared one continued waste as far as the " eye could reach, on both sides of the road. " The pergunnah Sekunderpoor, beginning " about a coss before he reached the village, " an old fort of that name, appeared to a little " more advantage, but even here the crops " seem very scanty, and the ground more than " half fallow."

Extract

Extract of the proceedings of the Resident at Benares, under date the 26th February, at the pergunnah of Sekunderpoor.

" THE Resident now leaves Sekunderpoor to " proceed to Nurgurah, the head Cutcherry of " the pergunnah. He is sorry to observe, that " during the whole way between these two " places, which are at the distance of six coss " or twelve miles from each other, not above " twenty fields of cultivated ground are to be " seen, all the rest being, as far as the eye can " reach, except just in the vicinity of Nuggeha, " one general waste of long grass, with here " and there some straggling jungly trees. This " falling off in the cultivation is said to have " happened in the course of but a few years, " that is, since the late Rajah's expulsion."

Your Lordships will observe, the date of the ruin of this country, is the expulsion of Cheit Sing.

Extract of the proceedings of the Resident at Benares, under date the 27th February, at the pergunnah Sekunderpoor.

" THE Resident meant to have proceeded " from this place to Cossimabad, but under- " standing that the village of Ressenda, the " capital of the pergunnah of Susknesser, is " situated

" situated at three coss distance, and that many " Rhardarry collections are there exacted, the " Zemindars and Ryots being, it seems, all one " body of Rajepoots, who affect to hold them- " selves in some sort independent of the Ra- " jah's government, paying only a mohurrery or " fixed jumma, (which it may be supposed is " not over-rated) and managing their interior " concerns as they think fit; the Resident " thought it proper on this report to deviate " a little from his intended route, by proceed- " ing this day to Ressenda, where he accord- " ingly arrived in the afternoon; and the " remaining part of the country near the road " through Sekunderpoor, from Nuggurha to " Seundah, appearing nearly equally waste with " the former part, as already noticed in the " proceedings of the 26th instant.

" The Rajah is therefore desired to appoint " a person to bring those waste lands into cul- " tivation, in like manner as he has done in " Khereed, with this difference or addition in " his instructions, that he subjoin in those to " the Aband Kar or manager of the re-cultiva- " tion of Sekunderpoor, the rates at which he " is authorized to grant Pottahs, for the various " kinds of land; and it is recommended to him, " to make these rates even somewhat lower than " he may himself think strictly conformable to

" justice,

" justice, reporting the particulars to the Re-
" sident.

" The Rajah is also desired to prepare and
" transmit a table of similar Rates to the Aband
" Kar, of pergunnah Khereed.

" (signed) *Jon*ⁿ *Duncan,*

" Benares, " Resident."

" the 12th September 1788."

Here your Lordships find, in spite of Mr. Hastings himself, in spite of all the testimonies which he has called, and of all the other testimonies which he would have called, that his own account of the matter is confirmed against his own pretended evidence; you find his own written account confirmed in a manner not to be doubted; and the only difference between his account and this is, that the people did not fly from Mr. Duncan when he approached, as they fled from Mr. Hastings. They did not feel any of that terrour at the approach of a person from the beneficent government of Lord Cornwallis, with which they had been entirely filled at the appearance of the Prisoner at your bar. From him they fled in dismay. They fled from his very presence as from a consuming pestilence, as from something far worse than drought and famine; they fled from him as a cruel, corrupt, and arbitrary Go-

vernour, which is worse than any other evil that ever afflicted mankind.

You see, my Lords, in what manner the country has been wasted and destroyed; and you have seen by the date of these measures, that they have happened within a few years, namely, since the expulsion of Rajah Cheit Sing. There begins the era of calamity. Ask yourselves then, whether you will or can countenance the acts which led directly and necessarily to such consequences? Your Lordships will mark what it is to oppress and expel a cherished individual from his government, and finally to subvert it. Nothing stands after him; down go all order and authority with him; ruin and desolation fall upon the country; the fields are uncultivated, the wells are dried up. The people, says Mr. Duncan, promised indeed, some time or other, under some other government, to do something. They will again cultivate the lands, when they can get an assurance of security. My Lords, judge, I pray you, whether the House of Commons, when they had read the account which Mr. Hastings has himself given of the dreadful consequences of his proceedings, when they had read the account given by Mr. Duncan, of an uncultivated country as far as the eye could reach, would not

not have shewn themselves unworthy to represent not only the Commons of Great Britain, but the meanest village in it, if they had not brought this great criminal before you, and called upon your Lordships to punish him. This ruined country, its desolate fields and its undone inhabitants, all call aloud for British justice; all call for vengeance upon the head of this execrable criminal.

Oh! but we ought to be tender towards his personal character; extremely cautious in our speech; we ought not to let indignation loose. My Lords, we do let our indignation loose, We cannot bear with patience, this affliction of mankind. We will neither abate our energy, relax in our feelings, nor in the expressions which those feelings dictate. Nothing but corruption like his own could enable any man to see such a scene of desolation and ruin unmoved. We feel pity for the works of God and man; we feel horrour for the debasement of human nature; and feeling thus, we give a loose to our indignation, and call upon your Lordships for justice.

Strange as it may appear to your Lordships, there remains to be stated an aggravation of his crimes, and of his victims' misery. Would you consider it possible, my Lords, that there could be an aggravation of such a case as you have heard.

Would you think it possible for a people to suffer more than the inhabitants of Benares have suffered, from the noble possessor of the splendid mansion down to the miserable tenants of the cottage and the hut? Yes, there is a state of misery, a state of degradation far below all that you have yet heard. It is, my Lords, that these miserable people should come to your Lordships' bar, and declare, that they have never felt one of those grievances of which they complain; that not one of those petitions, with which they pursued Mr. Hastings, had a word of truth in it; that they felt nothing under his government but ease, tranquillity, joy and happiness; that every day during his government was a festival, and every night an illumination and rejoicing. The addresses which contain these expressions of satisfaction have been produced at your bar, and have been read to your Lordships. You must have heard with disgust, at least, these flowers of oriental rhetoric, penned at ease by dirty hireling moonshys at Calcutta, who make these people put their seals, not to declarations of their ruin, but to expressions of their satisfaction. You have heard what he himself says of the country; you have heard what Mr. Duncan says of it; you have heard the cries of the country itself calling for justice upon him; and now, my Lords, hear what he has made

these

these people say. " We have heard that the " gentlemen in England are displeased with " Mr. Hastings, on suspicion that he oppressed " us, the inhabitants of this place;—took our " money by deceit and force, and ruined the " country." They then declare solemnly before God, according to their different religions, that Mr. Hastings " distributed protection and " security to religion, and kindness and peace " to all. He is free," (say they) " from the " charge of embezzlement and fraud, and his " heart is void of covetousness and avidity. " During the period of his government, no one " ever experienced from him other than pro- " tection and justice, never having felt hard- " ships from him; nor did the poor ever know " the weight of an oppressive hand from him. " Our characters and reputation have been " always guarded in quiet from attack, by the " vigilance of his prudence and foresight, and " by the terrour of his justice."

Upon my word, my Lords, the paragraphs are delightful. Observe, in this translation from the Persian, there is all the fluency of an English paragraph well preserved. All I can say is, that these people of Benares feel their joy, comfort and satisfaction, in swearing to the falseness of Mr. Hastings's representation against himself. In spite of his own testimony, they say, " He

" secured happiness and joy to us. He re-esta-
" blished the foundation of justice; and we at
" all times during his government lived in com-
" fort and passed our days in peace." The shame of England, and of the English government, is here put upon your Lordships records. Here you have, just following that afflicting report of Mr. Duncan's, and that account of Mr. Hastings himself, in which he said the inhabitants fled before his face, the addresses of these miserable people. He dares to impose upon your eye-sight—upon your common sense —upon the plain faculties of mankind. He dares, in contradiction to all his own assertions, to make these people come forward and swear, that they have enjoyed nothing but complete satisfaction and pleasure, during the whole time of his government.

My Lords, I have done with this business, for I have now reached the climax of degradation and suffering, after moving step by step through the several stages of tyranny and oppression. I have done with it, and have only to ask in what country do we live, where such a scene can by any possibility be offered to the publick eye!

Let us here, my Lords, make a pause.—You have seen what Benares was under its native government. You have seen the condition in

which it was left by Cheit Sing, and you have seen the state in which Mr. Hastings left it. The rankling wounds which he has inflicted upon the country, and the degradation to which the inhabitants have been subjected have been shewn to your Lordships. You have now to consider, whether or not you will fortify with your sanction, any of the detestable principles upon which the Prisoner justifies his enormities.

My Lords, we shall next come to another dependent province, when I shall illustrate to your Lordships still, further, the effects of Mr. Hastings's principles. I allude to the province of Oude; a country which, before our acquaintance with it, was in the same happy and flourishing condition with Benares; and which dates its period of decline and misery from the time of our intermeddling with it. The Nabob of Oude was reduced, as Cheit Sing was, to be a dependent on the Company; and to be a greater dependent than Cheit Sing, because it was reserved in Cheit Sing's agreement, that we should not interfere in his government. We interfered in every part of the Nabob's government; we reduced his authority to nothing; we introduced a perfect scene of anarchy and confusion into the country, where there was no authority but to rob and destroy.

I have not strength at present to proceed; but I hope I shall soon be enabled to do so. Your Lordships cannot, I am sure, calculate from your own youth and strength; for I have done the best I can, and find myself incapable just at this moment of going any further.

[Adjourned.]

TRIAL

OF

WARREN HASTINGS, ESQ.

THURSDAY, JUNE 5th, 1794.

FOURTH DAY OF REPLY.

MR. BURKE.)

MY LORDS,

WHEN I last had the honour of addressing your Lordships from this place, my want f strength obliged me to conclude where the atience of a people, and the prosperity of a ountry subjected by solemn treaties to British overnment, had concluded. We have left beind us the inhabitants of Benares; after having een them driven into rebellion by tyranny and ppression, and their country desolated by our isrule. Your Lordships, I am sure, have had ie map of India before you, and know that the ountry so destroyed and so desolated, was about ne-fifth of the size of England and Wales, in eographical extent, and equal in population to bout a fourth. Upon this scale you will judge f the mischief which has been done.

My

My Lords, we are now come to another devoted province: we march from desolation to desolation; because we follow the steps of Warren Hastings, Esquire, Governour General of Bengal. You will here find the range of his atrocities widely extended; but before I enter into a detail of them, I have one reflection to make, which I beseech your Lordships to bear in mind throughout the whole of this deliberation. It is this, you ought never to conclude that a man must necessarily be innoxious, because he is, in other respects, insignificant. You will see that a man, bred in obscure, vulgar, and ignoble occupations, and trained in sordid, base and mercenary habits, is not incapable of doing extensive mischief, because he is little, and because his vices are of a mean nature. My Lords, we have shewn to you already, and we shall demonstrate to you more clearly in future, that such minds placed in authority can do more mischief to a country, can treat all ranks and distinctions with more pride, insolence and arrogance, than those who have been born under canopies of state and swaddled in purple: you will see, that they can waste a country more effectually than the proudest and most mighty conquerors, who, by the greatness of their military talents, have first subdued and afterwards plundered nations.

The Prisoner's Counsel have thought proper

to

to entertain your Lordships, and to defend their client, by comparing him with the men who are said to have erected a pyramid of ninety thousand human heads. Now, look back, my Lords, to Benares; consider the extent of country laid waste and desolated, and its immense population, and then see whether famine may not destroy as well as the sword; and whether this man is not as well entitled to erect his pyramid of ninety thousand heads, as any terrifick tyrant of the East. We follow him now to another theatre, the territories of the Nabob of Oude.

My Lords, Oude (together with the additions made to it by Sujah Dowlah) in point of geographical extent, is about the size of England. Sujah Dowlah, who possessed this country as Nabob, was a prince of a haughty character; ferocious in a high degree towards his enemies, and towards all those who resisted his will. He was magnificent in his expenses, yet economical with regard to his resources; maintaining his court in a pomp and splendour, which is perhaps unknown to the sovereigns of Europe. At the same time he was such an economist, that from an inconsiderable revenue, at the beginning of his reign, he was annually enabled to make great savings. He thus preserved, towards the end of it, his people in peace, tranquillity, and order; and though he was an arbitrary prince, he never strained

strained his revenue to such a degree as to lose their affections, while he filled his exchequer. Such appears to have been the true character of Sujah Dowlah; your Lordships have heard what is the character which the Prisoner at your bar and his Counsel have thought proper to give you of him.

Surely, my Lords, the situation of the great, as well as of the lower ranks in that country, must be a subject of melancholy reflection to every man. Your Lordships' compassion will, I presume, lead you to feel for the lowest; and I hope that your sympathetick dignity will make you consider in what manner the princes of this country are treated. They have not only been treated at your Lordships' bar, with indignity by the Prisoner, but his Counsel do not leave their ancestors to rest quietly in their graves. They have slandered their families, and have gone into scandalous history, that has no foundation in facts whatever.

Your Lordships have seen how he attempted to slander the ancestors of Cheit Sing, to deny that they were Zemindars; and yet he must have known from printed books, taken from the Company's records, the utter falsity of his declaration. You need only look into Mr. Verelst's Appendix, and there you will see that that country has always been called, the Zemindary

of Bulwant Sing. You will find him always called the Zemindar; it was the known acknowledged name, till this gentleman thought proper at the bar of the House of Commons to deny that he was a Zemindar, and to assert that he was only an Aumil. He slanders the pedigree of this man as mean and base, yet he was not ashamed to take from him 23,000*l.*; in like manner he takes from Azoph ul Dowlah a hundred thousand pounds, which he would have appropriated to himself, and then directs his Counsel to rake up the slander of *Dow's* History, a book of no authority; a book that no man values in any respect or degree. In this book they find that romantic, absurd and ridiculous story, upon which an honourable Fellow Manager of mine, who is much more capable than I am of doing justice to the subject, has commented with his usual ability; I allude to that story of spitting on the beard; the mutual compact to poison one another. That Arabian tale, fit only to form a ridiculous tragedy, has been gravely mentioned to your Lordships, for the purpose of slandering the pedigree of this Vizier of Oude, and making him vile in your Lordships' eyes. My honourable friend has exposed to you the absurdity of these stories, but he has not shewn you the malice of their propagators. The Prisoner and his Counsel have referred to Dow's History,

History, who calls this Nabob, " the more in-
" famous son of an infamous Persian pedlar."
They wish that your Lordships should consider him as a person vilely born, ignominiously educated, and practising a mean trade; in order that, when it shall be proved, that he and his family were treated with every kind of *indignity* and contempt by the Prisoner at your bar, the sympathy of mankind should be weakened. Consider, my Lords, the monstrous perfidy and ingratitude of this man, who, after receiving great favours from the Nabob, is not satisfied with oppressing his offspring, but goes back to his ancestors, tears them out of their graves, and vilifies them with slanderous aspersions. My Lords, the ancestor of Sujah Dowlah was a great prince; certainly a subordinate prince, because he was a servant of the Great Mogul, who was well called, King of Kings, for he had in his service persons of high degree. He was born in Persia; but was not, as is falsely said, *the more infamous son of an infamous Persian pedlar.* Your Lordships are not unacquainted with the state and history of India; you therefore know that Persia has been the nursery of all the Mahometan nobility of India; almost every thing in that country which is not of Gentoo origin, is of Persian; so much so, that the Persian language is the language of the court,

court, and of every office from the highest to the lowest. Among these noble Persians, the family of the Nabob stands in the highest degree. His father's ancestors were of noble descent, and those of his mother, Munny Begum, more eminently and more illustriously so. This distinguished family, on no better authority than that of the historian Dow, has been slandered by the Prisoner at your bar, in order to destroy the character of those whom he had already robbed of their substance. Your Lordships will have observed with disgust, how the Dows and the Hastings, and the whole of that tribe, treat their superiors; in what insolent language they speak of them, and with what pride and indignity they trample upon the first names and the first characters in that devoted country.

But supposing it perfectly true, that this man was "the more infamous son of an infamous Persian pedlar:" he had risen to be the secondary sovereign of that country. He had a revenue of three millions six hundred thousand pounds sterling; a vast and immense revenue; equal perhaps to the clear revenue of the King of England. He maintained an army of 120,000 men. He had a splendid court, and his country was prosperous and happy. Such was the situation of Sujah Dowlah, the Nabob of Oude, and such the condition of Oude under his government.

ment. With his pedigree, I believe, your Lordships will think, we have nothing to do in the cause now before us. It has been pressed upon us; and this marks the indecency, the rancour, the insolence, the pride and tyranny which the Dows and the Hastings, and the people of that class and character, are in the habit of exercising over the great in India.

My Lords, I shall be saved a great deal of trouble in proving to you the flourishing state of Oude, because the Prisoner admits it as largely as I could wish to state it; and, what is more, he admits too the truth of our statement of the condition to which it is now reduced; (but I shall not let him off so easily upon this point.) He admits too, that it was left *in this* reduced and ruined state at the close of his administration. In his defence, he attributes the whole mischief generally to a faulty system of government. My Lords, systems never make mankind happy or unhappy, any further than as they give occasions for wicked men to exercise their own abominable talents, subservient to their own more abominable dispositions. The system, says Mr. Hastings, was bad; but I was not the maker of it. Your Lordships have seen him apply this mode of reasoning to Benares, and you will now see that he applies it to Oude. I came, says he, into a bad system; that system

was

was not of my making, but I was obliged to act according to the spirit of it.

Now every honest man would say, I came to a bad system; I had every facility of abusing my power; I had every temptation to peculate; I had every incitement to oppress; I had every means of concealment, by the defects of the system: but I corrected that evil system by the goodness of my administration; by the prudence, the energy, the virtue of my conduct. This is what all the rest of the world would say: but what says Mr. Hastings? A bad system was made to my hands; I had nothing to do in making it. I was altogther an involuntary instrument and obliged to execute every evil which that system contained. This is the line of conduct your Lordships are called to decide upon. And I must here again remind you, that we are at an issue of law. Mr. Hastings has avowed a certain set of principles, upon which he acts; and your Lordships are therefore to judge whether his acts are justifiable, because he found an evil system to act upon; or whether he and all governours upon earth have not a general good system upon which they ought to act.

The Prisoner tells you, my Lords, that it was in consequence of this evil system, that the Nabob, from being a powerful prince, became

reduced to a wretched dependent on the Company, and subject to all the evils of that degraded state:—subject to extortion, to indignity, to oppression. All these, your Lordships are called upon to sanction; and, because they may be connected with an existing system, you are to declare them to be an allowable part of a code for the government of British India.

In the year 1775, that powerful, magnificent and illustrious Prince Sujah Dowlah, died in possession of the country of Oude. He had long governed a happy and contented people, and, if we except the portion of tyranny which we admit he really did exercise towards some few individuals, who resisted his power, he was a wise and beneficent governour. This prince died in the midst of his power and fortune, leaving somewhere about fourscore children. Your Lordships know, that the princes of the East have a great number of wives; and we know that these women, though reputed of a secondary rank, are yet of a very high degree, and honourably maintained according to the customs of the East. Sujah Dowlah had but one lawful wife; he had by her but one lawful child, Azoph ul Dowlah. He had about twenty-one male children; the eldest of whom was a person whom you have heard of very often in these proceedings, called Saadit Ali. Azoph ul Dowlah, being

being the sole legitimate son, had all the pretensions to succeed his father as Sabadar of Oude, which could belong to any person under the Mogul government.

Your Lordships will distinguish between a Zemindar, who is a perpetual landholder, the hereditary proprietor of an estate; and a Subadar, who derives from his master's will and pleasure all his employments, and who, instead of having the jaghirdars subject to his supposed arbitrary will, is himself a subject, and must have his sovereign's patent for his place. Therefore, strictly and properly speaking, there is no succession in the office of Subadar. At this time the Company, who alone could obtain the sunnuds or patent from the Great Mogul, upon account of the power they possessed in India, thought, and thought rightly, that with an officer who had no hereditary power, there could be no hereditary engagements; and that in their treaty with Azoph ul Dowlah, for whom they had procured the sunnud from the Great Mogul, they were at liberty to propose their own terms, which, if honourable and mutually advantageous to the new Subadar and to the Company, they had a right to insist upon. A treaty was therefore concluded between the Company and Azoph ul Dowlah, in which the latter stipulated to pay a fixed subsidy for the maintenance of a certain

number of troops; by which the Company's finances were greatly relieved and their military strength greatly increased.

This treaty did not contain one word which could justify any interference in the Nabob's government. That evil system, as Mr. Hastings calls it, is not even mentioned or alluded to; nor is there, I again say, one word which authorized Warren Hastings, or any other person whatever, to interfere in the interior affairs of his country. He was legally constituted Viceroy of Oude. His dignity of Vizier of the Empire, with all the power which that office gave him, derived from and held under the Mogul government, he legally possessed; and this evil system, which Mr. Hastings says led him to commit the enormities of which you shall hear by and by, was neither more nor less than what I have now stated.

But, my Lords, the Prisoner thinks, that when under any pretence any sort of means could be furnished, of interfering in the government of the country, he has a right to avail himself of them; to use them at his pleasure; and to govern by his own arbitrary will. The Vizier, he says, by this treaty, was reduced to a state of vassalage; and he makes this curious distinction in proof of it. It was, he says, an optional vassalage, for if he chose to get rid of our troops, he might do so and be free; if he had not a mind

mind to do that and found a benefit in it, then he was a vassal. But there is nothing less true. Here is a person who keeps a subsidiary body of your troops, which he is to pay for you, and in consequence of this Mr. Hastings maintains, that he becomes a vassal. I shall not dispute whether vassalage is optional, or by force, or in what way Mr. Hastings considered this prince as a vassal of the Company. Let it be as he pleased. I only think it necessary that your Lordsips should truly know the actual state of that country, and the ground upon which Mr. Hastings stood. Your Lordships will find it a fairy land, in which there is a perpetual masquerade, where no one thing appears as it really is, where the person who seems to have the authority is a slave, while the person who seems to be the slave has the authority. In that ambiguous government every thing favours fraud; every thing favours peculation; every thing favours violence; every thing favours concealment. You will, therefore, permit me to shew to you what were the principles upon which Mr. Hastings appears, according to the evidence before you, to have acted; what the state of the country was, according to his conceptions of it; and then you will see how he applied those principles to that state.

" The means by which our government ac-

" quired this influence," says Mr. Hastings, " and " its right to exercise it, will require a previous " explanation." He then proceeds, " With his " death (Sujah Dowlah's) a new political system " commenced, and Mr. Bristow was constituted " the instrument of its formation and the trustee " for the management of it. The Nabob *Azoph* " ul Dowlah was deprived of a large part of his " inheritance; I mean the province of Benares, " attached by a very feeble and precarious " tenure to our dominions; the army fixed to a " permanent station in a remote line of his fron- " tier, with an augmented and perpetual subsidy. " A new army, amphibiously composed of troops " in his service and pay, commanded by English " officers of our own nomination, for the defence " of his new conquests, and his own natural " troops annihilated, or alienated by the in- " sufficiency of his revenue for all his disburse- " ments; and the prior claims of those which " our authority or influence commanded: in a " word, he became a vassal of the government, " but he still possessed an ostensible sovereignty. " His titular rank of Vizier of the Empire ren- " dered him a conspicuous object of view to all " the states and chiefs of India; and on the mo- " deration and justice with which the British " government in Bengal exercised its influence

" over

" over him, many points most essential to its " political strength and to the honour of the " British name depended."

Your Lordships see, that the system, which is supposed to have reduced him to vassalage, did not make, as he contends, a violent exercise of our power necessary or proper; but possessing, as the Nabob did, that high nominal dignity, and being in that state of vassalage, as Mr. Hastings thought proper to term it, though there is no vassalage mentioned in the treaty; being, I say, in that situation of honour, credit, and character, sovereign of a country as large as England, yielding an immense revenue and flourishing in trade; certainly our honour depended upon the use we made of that influence which our power gave us over him; and we therefore press it upon your Lordships, that the conduct of Mr. Hastings was such as dishonoured this nation.

He proceeds: " This is not a place, nor have " I room in it to prove what I shall here content " myself with affirming, that by a sacred and un- " deviating observance of every principle of " public faith, the British dominion might have " by this time acquired the means of its exten- " sion, through a virtual submission to its au- " thority, to every region of Hindostan and " Decan. I am not sure that I should advise " such a design, were it practicable, which at

" this time it certainly is not, and I very much " fear that the limited formation of such equal " alliances as might be useful to our present " condition, and conduce to its improvement, " is become liable to almost insurmountable " difficulties; every power in India must wish " for the support of ours, but they all dread the " connection.

" The subjection of Bengal, and the depri- " vation of the family of Jaffier Ali Khan, " though an effect of inevitable necessity, the " present usurpations of the rights of the Nabob " Wallar Jau in the Carnatic, and the licentious " violations of the treaty existing between the " Company and the Nabob Nizam ul Dowlah, " though checked by the remedial interposition " of this government, stand as terrible precedents " against us; the effects of our connection with " the Nabob Azoph ul Dowlah had a rapid " tendency to the same consequences, and it has " been my invariable study to prevent it."

Your Lordships will remember that the Counsel at the bar have said, that they undertook the defence of Warren Hastings, not in order to defend him, but to rescue the British character from the imputations which have been laid upon it by the Commons of Great Britain. They have said, that the Commons of Great Britain have slandered their country, and have misrepresented

its character; while, on the contrary, the servants of the Company have sustained and maintained the dignity of the English character, have kept its publick faith inviolate, preserved the people from oppression, reconciled every government to it in India, and have made every person under it prosperous and happy.

My Lords, you see what this man says himself, when endeavouring to prove his own innocence. Instead of proving it by the facts alleged by his Counsel, he declares, that, by preserving good faith, you might have conquered India, the most glorious conquest that was ever made in the world; that all the people want our assistance, but dread our connexion. Why? Because our whole conduct has been one perpetual tissue of perfidy and breach of faith with every person who has been in alliance with us, in any mode whatever; here is the man himself, who says it. Can we bear that this man should now stand up in this place as the asserter of the honour of the British nation against us, who charge this dishonour to have fallen upon us, by him, through him, and during his government.

But all the mischief, he goes on to assert, was in the previous system, in the formation of which he had no share; the system of 1775, when the first treaty with the Nabob was made. "That "system," says he, "is not mine, it was made "by

" by General Clavering, Colonel Monson, and " Mr. Francis." So it was, my Lords. It did them very great honour; and I believe it ever will do them honour, in the eyes of the British nation, that they took an opportunity, without the violation of faith, without the breach of any one treaty, and without injury to any person, to do great and eminent services to the Company; but Mr. Hastings disclaims it, unnecessarily disclaims it, for no one charges him with it. What we charge him with, is the abuse of that system. To one of these abuses I will now call your Lordships' attention. Finding, soon after his appointment to the office of Governour General, that the Nabob was likely to get into debt, he turns him into a vassal, and resolves to treat him as such. You will observe that this is not the only instance in which, upon a failure of payment, the defaulter becomes directly a vassal. You remember how Durbedgy Sing, the moment he fell into an arrear of tribute, became a vassal, and was thrown into prison, without any inquiry into the causes which occasioned that arrear. With respect to the Nabob of Oude, we assert, and can prove, that his revenue was 3,600,000*l.* at the day of his father's death; and if the revenue fell off afterwards, there was abundant reason to believe that he possessed in abundance the means of paying the Company every farthing. Before I quit

this

this subject, your Lordships will again permit me to reprobate the malicious insinuations by which Mr. Hastings has thought proper to slander the virtuous persons who are the authors of that system, which he complains of. They are men whose characters this country will ever respect, honour and revere, both the living and the dead; the dead for the living, and the living for the dead. They will altogether be revered for a conduct honourable and glorious to Great Britain; whilst their names stand as they now do, unspotted by the least imputation of oppression, breach of faith, perjury, bribery, or any other fraud whatever. I know there was a faction formed against them, upon that very account. Be corrupt, you have friends; stem the torrent of corruption, you open a thousand venal mouths against you. Men resolved to do their duty must be content to suffer such opprobrium, and I am content; in the name of the living and of the dead, and in the name of the Commons, I glory in our having appointed some good servants, at least to India.

But to proceed. "This system was not," says he, "of my making." You would then naturally imagine that the persons who made this abominable system, had also made some tyranous use of it. Let us see what use they made of it during the time of their majority in the Council.

Council. There was an arrear of subsidy due from the Nabob. How it came into arrear, we shall consider hereafter. The Nabob proposed to pay it by taxing the jaghires of his family, and taking some money from the Begum. This was consented to by Mr. Bristow, at that time Resident for the Company in Oude; and to this arrangement Azoph ul Dowlah and his advisers lent a willing ear. What did Mr. Hastings then say of this transaction? He called it a violent assumption of power on the part of the Council. He did not, you see, then allow that a bad system justified any persons whatever in an abuse of it. He contended that it was a violent attack upon the rights and property of the parties from whom the money was to be taken; that it had no ground or foundation in justice whatever, and that it was contrary to every principle of right and equity.

Your Lordships will please to bear in mind, that afterwards by his own consent, and the consent of the rest of the Council, this business was compromised between the son, the mother, and their relations. A very great sum of money, which was most useful to the Company at that period, was raised by a family compact and arrangement among themselves. This proceeding was sanctioned by the Company, Mr. Hastings himself consenting; and a pledge was given to

the Begums and family of the Nabob, that this should be the last demand made upon them, that it should be considered not as taken compulsively, but as a friendly and amicable donation. They never admitted, nor did the Nabob ever contend, that he had any right at all to take this money from them. At that time, it was not Mr. Hastings's opinion, that the badness of the system would justify any violence as a consequence of it; and when the advancement of the money was agreed to between the parties, as a family and amicable compact, he was as ready as any body to propose and sanction a regular treaty between the parties, that all claims on one side, and all kind of uneasiness on the other, should cease for ever, under the guardianship of British faith.

Mr. Hastings, as your Lordships remember, has conceded that British faith is the support of the British Empire; that if that empire is to be maintained, it is to be maintained by good faith; that if it is to be propagated, it is to be propagated by publick faith; and that if the British empire falls, it will be through perfidy and violence. These are the principles which he assumes when he chooses to reproach others. But when he has to defend his own perfidy and breaches of faith, then, as your Lordships will find set forth in his defence before the House

of Commons on the Benares Charge, he denies, or at least questions the validity of any treaty, that can at present be made with India. He declares, that he considers all treaties as being weakened by a considerable degree of doubt respecting their validity and their binding force, in such a state of things as exists in India.

Whatever was done during that period of time to which I have alluded, by the majority of the Council, Mr. Hastings considered himself as having nothing to do with, on the plea of his being a dissentient member: a principle, which, like other principles, I shall take some notice of by and by. Colonel Monson and General Clavering died soon after, and Mr. Hastings obtained a majority in the Council, and was then, as he calls it, restored to his authority; so that any evil that could be done by evil men, under that evil system, could have lasted but for a very short time indeed. From that moment Mr. Hastings, in my opinion, became responsible for every act done in Council while he was there, which he did not resist; and for every engagement which he did not oppose. For your Lordships will not bear that miserable jargon, which you have heard, shameful to office and to official authority, that a man, when he happens not to find himself in a majority upon any measure, may think himself excusable for the total neglect

of

of his duty; that in such a situation he is not bound to propose any thing that it might be proper to propose, or to resist any thing that it might be proper to resist. What would be the inference from such an assumption? That he can never act in a commission; that unless a man has the supreme power, he is not responsible for any thing he does or neglects to do. This is another principle which your Lordships will see constantly asserted, and constantly referred to by Mr. Hastings. Now I do contend, that notwithstanding his having been in a minority, if there was any thing to be done that could prevent oppressive consequences, he was bound to do that thing; and that he was bound to propose every possible remedial measure. This proud, rebellious proposition against the law, that any one individual in the Council may say that he is responsible for nothing, because he is not the whole Council, calls for your Lordships' strongest reprobation.

I must now beg leave to observe to you, that the treaty was made, (and I wish your Lordships to advert to dates) in the year 1775, Mr. Hastings acquired the majority, in something more than a year afterwards; and therefore, supposing the acts of the former majority to have been ever so iniquitous, their power lasted but a short time. From the year 1776 to 1784, Mr. Hastings had the whole government of Oude in himself,

self, by having the majority in the Council. My Lords, it is no offence, that a Governour General, or any body else, has the majority in the Council. To have the government in himself is no offence. Neither was it any offence, if you please, that the Nabob was virtually a vassal to the Company, as he contends he was; for the question is not what a Governour General *may* do, but what Warren Hastings did do. He who has a majority in Council, and records his own acts there, may justify these acts as legal; I mean the mode is legal. But as he executes whatever he proposes as Governour General, he is solely responsible for the *nature* of the acts themselves.

I shall now shew your Lordships, that Mr. Hastings, finding, as he states, the Nabob to be made, by the treaty in 1775, eventually a vassal to the Company, has thought proper to make him a vassal to himself, for his own private purposes. Your Lordships will see what corrupt and iniquitous purposes they were. In the first place, in order to annihilate in effect, the Council, and to take wholly from them their controul in the affairs of Oude, he suppressed [your Lordships will find the fact proved in your Minutes,] the Persian correspondence, which was the whole correspondence of Oude. This whole correspondence was secreted by him, and kept from the Council. It was never communicated to the

Persian

Persian translator of the Company, Mr. Colebrooke, who had a salary for executing that office. It was secreted and kept in the private cabinet of Mr. Hastings; from the period of 1781 to 1785 no part of it was communicated to the Council. There is nothing, as your Lordships have often found in this trial, that speaks for the man like himself;—there is nothing will speak for his conduct like the records of the Company.

" Fort William, 19th February 1785.

" At a Council; present, the honourable
" John Macpherson, Esquire, Governour
" General, President, and John Stables,
" Esquire.

" The Persian translator attending, in obe-
" dience to the Board's orders, reports, that
" since the end of the year 1781, there have
" been no books of correspondence kept in his
" office; because from that time until the late
" Governour General's departure, he was em-
" ployed but once by the Governour General to
" manage the correspondence, during a short
" visit which Major Davy, the military Persian
" interpreter, paid by the Governour's order to
" Lucknow. That during that whole period of
" three years, he remained entirely ignorant of
" the correspondence, as he was applied to on

" no occasion, except for a few papers sometimes
" sent to him by the secretaries, which he always
" returned to them as soon as translated.

" The Persian translator has received from
" Mr. Scott, since the late Governour Gene-
" ral's departure, a trunk containing English
" drafts and translations, and the Persian ori-
" ginals of letters and papers, with three books
" in the Persian language, containing copies of
" letters, written between August 1782 and
" January 1785; and if the Board should
" please to order the secretaries of the general
" department, to furnish him with copies of all
" translations and drafts recorded in their con-
" sultations, between the 1st of January 1782
" and the 31st of January 1785, he thinks that
" he should be able, with what he has found in
" Captain Scott's trunk, to make up the cor-
" respondence for that period.

" (signed) *Edward Colebrooke*,
" Persian Translator."

Hear then, my Lords, what becomes of the records of the Company, which were to be the vouchers for every publick act, which were to shew whether, in the Company's transactions, agreements and treaties with the native powers, the publick faith was kept or not. You see them all crammed into Mr. Scott's trunk; a trunk

trunk into which they put what they please, take out what they please, suppress what they please, or thrust in whatever will answer their purpose. The records of the Governour General and Council of Bengal are kept in Captain Jonathan Scott's trunk; this trunk is to be considered as the real and true channel of intelligence between the Company and the country powers; but even this channel was not open to any member of the Council, except Mr. Hastings; and when the Council, for the first time, daring to think for themselves, call upon the Persian translator, he knows nothing about it. We find that it is given into the hands of a person nominated by Mr. Hastings, Major Davy; what do the Company know of him? Why, he was Mr. Hastings's private secretary. In this manner the Council have been annihilated during all these transactions, and have no other knowledge of them than just what Mr. Hastings and his trunk-keeper thought proper to give them. All then that we know of these transactions, is from this miserable, imperfect, garbled correspondence.

But even if these papers contained a full and faithful account of the correspondence, what we charge is its not being delivered to the Council as it occurred from time to time. Mr. Hastings kept the whole government of Oude in his own

hands, so that the Council had no power of judging his acts, of checking, controlling, advising or remonstrating. It was totally annihilated by him; and we charge, as an act of treason and rebellion against the Act of Parliament by which he held his office, his depriving the Council of their legitimate authority, by shutting them out from the knowledge of all affairs, except indeed when he thought it expedient, for his own justification, to have their nominal concurrence, or subsequent acquiescence in any of his more violent measures.

Your Lordships see Mr. Hastings's system, a system of concealment, a system of turning the vassals of the Company into his own vassals, to make them contributory not to the Company but to himself. He has avowed this system in Benares; he has avowed it in Oude. It was his constant practice. Your Lordships see in Oude, he kept a correspondence with Mr. Markham for years, and did alone all the material acts which ought to have been done in Council. He delegated a power to Mr. Markham, which he had not to delegate; and you will see he has done the same in every part of India.

We first charge him, not only with acting without authority, but with a strong presumption, founded on his concealment, of intending to act mischievously. We next charge his concealing

cealing and withdrawing correspondence as being directly contrary to the orders of the Court of Directors, the practice of his office, and the very nature and existence of the Council in which he was appointed to preside. We charge this as a substantive crime, and as the forerunner of the oppression, desolation, and ruin of that miserable country.

Mr. Hastings having thus rendered the Council blind and ignorant, and consequently fit for subserviency, what does he next do? I am speaking not with regard to the time of his particular acts, but with regard to the general spirit of the proceedings. He next flies in the face of the Company, upon the same principle on which he removed Mr. Fowke from Benares. "I removed "*him* on political grounds," says he, "against "the orders of the Court of Directors, because "I thought it necessary that the Resident should "be a man of my own nomination and confi- "dence." At Oude, he proceeds on the same principle. Mr. Bristow had been nominated to the office of Resident by the Court of Directors. Mr. Hastings, by an Act of Parliament, was ordered to obey the Court of Directors. He positively refuses to receive Mr. Bristow, for no other reason that we know of, but because he was nominated by the Court of Directors; he defies the Court, and declares in effect that they shall not

govern that province, but that he will govern it by a Resident of his own.

Your Lordships will mark his progress in the establishment of that new system, which, he says, he had been obliged to adopt by the evil system of his predecessors. First, he annihilates the Council, formed by an Act of Parliament, and by order of the Court of Directors. In the second place, he defies the order of the Court, who had the undoubted nomination of all their own servants, and who ordered him, under the severest injunction, to appoint Mr. Bristow to the office of Resident in Oude. He for some time refused to nominate Mr. Bristow to that office; and even when he was forced, against his will, to permit him for a while to be there, he sent Mr. Middleton and Mr. Johnson, who annihilated Mr. Bristow's authority so completely, that no one publick act passed through his hands.

After he had ended this conflict with the Directors, and had entirely shook off their authority, he resolved that the native powers should know that they were not to look to the Court of Directors, but to look to his arbitrary will in all things; and therefore, to the astonishment of the world, and, as if it were, designedly, to expose the nakedness of the Parliament of Great Britain, to expose the nakedness of the laws of Great Britain, and the nakedness of the authority

rity of the Court of Directors to the country powers, he wrote a letter, which your Lordships will find in page 795 of the printed Minutes. In this letter, the secret of his government is discovered to the country powers. They are given to understand, that whatever exaction, whatever oppression or ruin they may suffer, they are to look no where for relief, but to him. Not to the Council, not to the Court of Directors, not to the sovereign authority of Great Britain, but to him and him only.

Before we proceed to this letter, we will first read to you the Minute of Council, by which he dismissed Mr. Bristow, upon a former occasion, (it is in page 507, of the printed Minutes), that your Lordships may see his audacious defiance of the laws of the country. We wish, I say, before we shew you the horrible and fatal effects of this his defiance, to impress continually upon your Lordships' minds, that this man is to be tried by the laws of the country; and that it is not in his power to annihilate their authority, and the authority of his masters. We insist upon it, that every man under the authority of this country, is bound to obey its laws. This Minute relates to his first removal of Mr. Bristow; I read it in order to shew, that he dared to defy the Court of Directors, so early as the year 1776. "Resolved, "that Mr. John Bristow be re-called to the

" presidency, from the Court of the Nabob of " Oude, and that Mr. Nathaniel Middleton be " restored to the appointment of Resident at " that Court, subject to the orders and au- " thority of the Governour General and Council, " conformably to the motion of the Governour " General." I will next read to your Lordships, the Orders of the Directors for his reinstatement, on the 4th of July 1777. " Upon " the most careful perusal of your proceedings, " upon the 2d of December 1776, relative to " the re-call of Mr. Bristow from the Court of " the Nabob of Oude, and the appointment of " Mr. Nathaniel Middleton to that station; we " must declare our strongest disapprobation of " the whole of that transaction. We observe, " that the Governour General's motion for the " re-call of Mr. Bristow, includes that for the " restoration of Mr. Nathaniel Middleton; but " as neither of those measures appear to us ne- " cessary or even justifiable, they cannot receive " our approbation.

" With respect to Mr. Bristow, we find no " shadow of charge against him; it appears that " he has executed his trust to the entire satis- " faction, even of those members of the Council " who did not concur in his appointment. You " have unanimously recommended him to our " notice - attention to your recommendation

" has

" has induced us to afford him marks of our " favour, and to re-annex the emoluments " affixed by you to his appointment, which had " been discontinued by our order; and as we " must be of opinion, that a person of acknow- " ledged abilities, whose conduct has thus " gained him the esteem of his superiors, ought " not to be degraded without just cause, we do " not hesitate to interpose in his behalf; and " therefore direct, that Mr. Bristow do forthwith " return to his station of Resident at Oude, " from which he has been so improperly re- " moved."

Upon the receipt of these orders, by the Council, Mr. Francis, then a member of the Council, moves, " That in obedience to the " Company's orders, Mr. Bristow be forthwith " appointed and directed to return to his station " of Resident at Oude; and that Mr. Purling " be ordered to deliver over charge of the office " to Mr. Bristow immediately on his arrival, and " return himself forthwith to the Presidency. " Also that the Governour General be requested " to furnish Mr. Bristow with the usual letter of " credence to the Nabob Vizier."

Upon this motion being made, Mr. Hastings entered the following Minute. " I will ask, " Who is Mr. Bristow, that a member of the " administration should at such a time hold him

" forth

" forth as an instrument for the degradation of
" the first executive member of this government.
" What are the professed objects of his appoint-
" ment? What are the merits and services, or
" what the qualifications which entitle him to
" such an uncommon distinction? Is it for his
" superior integrity or from his eminent abilities,
" that he is to be dignified at such hazards of
" every consideration, that ought to influence
" members of this administration? Of the
" former, I know no proofs; I am sure that it
" is not an evidence of it, that he has been en-
" abled to make himself the principal in such a
" competition; and for the test of his abilities,
" I appeal to the letter which he has dared to
" write to this Board, and which I am ashamed
" to say, we have suffered. I desire that a copy
" of it may be inserted in this day's proceedings,
" that it may stand before the eyes of every
" Member of the Board, when he shall give his
" vote upon a question for giving their confi-
" dence to a man, their servant, who has pub-
" lickly insulted them his masters, and the mem-
" bers of the government, to whom he owes his
" obedience; who assuming an association with
" the Court of Directors, and erecting himself
" into a tribunal, has arraigned them for dis-
" obedience of orders, passed judgment upon
" them, and condemned or acquitted them as

" their

" their magistrate and superior. Let the Board " consider, whether a man possessed of so inde- " pendent a spirit, who has already shewn such " a contempt of their authority, who has shewn " himself so wretched an advocate for his own " cause and negotiator for his own interest, is fit " to be trusted with the guardianship of their " honour, the execution of their measures, and " as their confidential manager and negotiator " with the princes of India."

My Lords, you here see an instance of what I have before stated to your Lordships, and what I shall take the liberty of recommending to your constant consideration. You see that a tyrant and a rebel is one and the same thing. You see this man, at the very time that he is a direct rebel to the Company, arbitrarily and tyrannically displacing Mr. Bristow, although he had previously joined in the approbation of his conduct, and in voting him a pecuniary reward. He is ordered by the Court of Directors to restore that person, who desires, in a suppliant, decent, proper tone, that the Company's orders should produce their effect, and that the Council would have the goodness to restore him to his situation.

My Lords, you have seen the audacious insolence, the tyrannical pride, with which he dares to treat this order. You have seen the recorded Minute,

Minute, which he has dared to send to the Court of Directors; and in this you see that when he cannot directly asperse a man's conduct, and has nothing to say against it, he maliciously, I should perhaps rather say enviously, insinuates that he had unjustly made his fortune. "You are," says he "to judge from the independence *of his* "manner and style, whether he could or no have "got that without some unjust means." God forbid I should ever be able to invent any thing that can equal the impudence of what this man dares to write to his superiors, or the insolent style in which he dares to treat persons who are not his servants.

Who made the servants of the Company the master of the servants of the Company? The Court of Directors are their fellow servants; they are all the servants of this kingdom. Still the claim of a fellow servant to hold an office, which the Court of Directors had legally appointed him to, is considered by this audacious tyrant as an insult to him. By this you may judge how he treats not only the servants of the Company, but the natives of the country, and by what means he has brought them into that abject state of servitude, in which they are ready to do any thing he wishes, and to sign any thing he dictates. I must again beg your Lordships to remark, what this man has had the folly and impudence

pudence to place upon the records of the Council, of which he was president; and I will venture to assert, that so extraordinary a performance never before appeared on the records of any court, Eastern or European. Because Mr. Bristow claims an office, which is his right and his freehold as long as the Company chooses, Mr. Hastings accuses him of being an accomplice with the Court of Directors in a conspiracy against him; and because, after long delays, he had presented an humble petition to have the Court of Directors' orders in his favour carried into execution, "he "says, he has erected himself into a tribunal of "justice; that he has arraigned the Council for "disobedience of orders, passed judgment upon "them, and condemned or acquitted them as "their magistrate and superior."

Let us suppose His Majesty to have been pleased to appoint any one to an office in the gift of the Crown, what should we think of the person whose business it was to execute the King's commands, if he should say to the person appointed, when he claimed his office, You shall not have it, you assume to be my superior, and you disgrace and dishonour me. Good God! my Lords, where was this language learned; in what country, and in what barbarous nation of Hottentots was this jargon picked up? For there is no Eastern court that I ever heard of (and I believe

believe I have been as conversant with the manners and customs of the East as most persons whose business has not directly led them into that country), where such conduct would have been tolerated. A Bashaw, if he should be ordered by the Grand Seignor to invest another with his office, puts the letter upon his head, and obedience immediately follows.

But the obedience of a barbarous magistrate should not be compared to the obedience which a British subject owes to the laws of his country. Mr. Hastings receives an order, which he should have instantly obeyed. He is reminded of this by the person, who suffers from his disobedience; and this proves that person to be possessed of too independent a spirit. Aye, my Lords, here is the grievance—no man can dare shew in India an independent spirit. It is this, and not his having shewn such a contempt of their authority, not his having shewn himself so wretched an advocate for his own cause, and so bad a negotiator for his own interest, that makes him unfit to be trusted with the guardianship of their honour, the execution of their measures, and to be their confidential manager and negotiator with the princes of India.

But, my Lords, what is this want of skill, which Mr. Bristow has shewn in negotiating his own affairs. Mr. Hastings will inform us. He should

should have pocketed the letter of the Court of Directors; he should never have made the least mention of it; he should have come to my Banyan Cantoo Baboo; he should have offered him a bribe upon the occasion. That would have been the way to succeed with me, who am a publick spirited taker of bribes and nuzzeers. But this base fool—this man, who is but a vile negotiator for his own interest, has dared to accept the patronage of the Court of Directors. He should have secured the protection of Cantoo Baboo their more efficient rival. This would have been the skilful mode of doing the business. But this man, it seems had not only shewn himself an unskilful negotiator;—he had likewise afforded evidence of his want of integrity. And what is this evidence? His having "enabled himself "to become the *principal* in such a competition." That is to say, he had, by his meritorious conduct in the service of his masters the Directors, obtained their approbation and favour, Mr. Hastings then contemptuously adds, "and for "the test of his abilities, I appeal to the letter "which he has dared to write to the Board, and "which I am ashamed to say, we have suffered." Whatever that letter may be, I will venture to say there is not a word or syllable in it that tastes of such insolence and arbitrariness, with regard to the servants of the Company, his fellow servants;

servants; of such audacious rebellion, with regard to the laws of his country, as are contained in this Minute of Mr. Hastings.

But, my Lords, why did he choose to have Mr. Middleton appointed Resident? Your Lordships have not seen Mr. Bristow. You have only heard of him as a humble suppliant, to have the orders of the Company obeyed: but you have seen Mr. Middleton. You know that Mr. Middleton is a good man to keep a secret: I describe him no further. You know what qualifications Mr. Hastings requires in a favourite; you also know why he was turned out of his employment, with the approbation of the Court of Directors; that it was principally because, when Resident in Oude, he positively, audaciously and rebelliously refused to lay before the Council the correspondence with the country powers. He says he gave it up to Mr. Hastings; whether he has or has not destroyed it we know not; all we know of it is that it is not found to this hour. We cannot even find Mr. Middleton's trunk, though Mr. Jonathan Scott did at last produce his. The whole of the Persian correspondence, during Mr. Middleton's residence, was refused, as I have said, to the Board at Calcutta and to the Court of Directors; was refused to the legal authorities; and Mr. Middleton, for that very refusal, was again appointed by Mr. Hastings to supersede

Mr.

Mr. Bristow, removed without a pretence of offence; he received, I say, this appointment from Mr. Hastings, as a reward for that servile compliance, by which he dissolved every tie between himself and his legal masters.

The matter being now brought to a simple issue, whether the Governour General is or is not bound to obey his superiors? I shall here leave it with your Lordships, and I have only to beg your Lordships will remark the course of events as they follow each other; keeping in mind that the Prisoner at your bar declared Mr. Bristow to be a man of suspected integrity, on account of his independence, and deficient in ability, because he did not know how best to promote his own interest.

I must here state to your Lordships, that it was the duty of the Resident to transact the money concerns of the Company, as well as its political negotiations; you will now see how Mr. Hastings divided that duty, after he became apprehensive that the Court of Directors might be inclined to assert their own authority, and to assert it in a proper manner, which they so rarely did. When, therefore, his passion had cooled, when his resentment of those violent indignities, which had been offered to him, namely, the indignity of being put in mind, that he had any superior

under heaven (for I know of no other) he adopts the expedient of dividing the Residency into two offices; he makes a fair compromise between himself and the Directors. He appoints Mr. Middleton to the management of the money concerns, and Mr. Bristow to that of the political affairs. Your Lordships see, that Mr. Bristow, upon whom he had fixed the disqualification for political affairs, was the very person appointed to that department; and to Mr. Middleton, the man of his confidence, he gives the management of the money transactions. He discovers plainly where his heart was; for where your treasure is there will your heart be also. This private agent, this stifler of correspondence, a man whose costive retention discovers no secret committed to him, and whose slippery memory is subject to a diarrhoea, which permits every thing he did know to escape; this very man he places in a situation where his talents could only be useful for concealment, and where concealment could only be used to cover fraud; while Mr. Bristow, who was by his official engagement responsible to the Company for fair and clear accounts, was appointed superintendent of political affairs, an office for which Mr. Hastings declared he was totally unfit.

My Lords, you will judge of the designs which the

the Prisoner had in contemplation, when he dared to commit this act of rebellion against the Company; you will see that it could not have been any other than getting the money transactions of Oude into his own hands. The presumption of a corrupt motive is here as strong as, I believe, it possibly can be.

The next point to which I have to direct your Lordships' attention, is that part of the Prisoner's conduct in this matter, by which he exposed the nakedness of the Company's authority to the native powers. You would imagine that after the first dismissal of Mr. Bristow, Mr. Hastings would have done with him for ever, that nothing could have induced him again to bring forward a man, who had dared to insult him, a man who had shewn an independent spirit, a man who had dishonoured the Council, and insulted his masters, a man of doubtful integrity, and convicted unfitness for office. But, my Lords, in the face of all this, he afterwards sends this very man, with undivided authority, into the country as sole Resident: and now, your Lordships shall hear, in what manner he accounts for this appointment to Gobind Ram, the Vakeel or Ambassador of the Nabob Azoph ul Dowlah, at Calcutta. It is in page 795 of the printed Minutes.

Extract of an arzee, sent by Rajah Gobind Ram to the Vizier, by the Governour General's directions, and written the 27th of August 1782.

" This day the Governour General sent for " me in private; after recapitulating the va- " rious informations he had received respecting " the anarchy and confusion, said to reign " throughout your Highness's country; and " complains that neither your Highness or " Hyder Beg Khan, or Mr. Middleton, or Mr. " Johnson, ever wrote to him on the state of " your affairs, or if he ever received a letter " from your presence, it always contained asser- " tions contrary to the above informations; the " Governour General proceeded as follows:— " That it was his intention to have appointed " Mr. David Anderson to attend upon your " Highness, but that he was still with Scindia, " and there was no prospect of his speedy re- " turn from his camp; therefore it was now his " wish to appoint Mr. John Bristow, who was " well experienced in business, to Lucknow. " That when Mr. Bristow formerly held the " office of Resident there, he was not appointed " by him; and that notwithstanding he had not " shewn any instances of disobedience, yet he " had deemed it necessary to recall him, be-

" cause

"cause he had been patronized and appointed "by gentlemen, who were in opposition to him, "and had counteracted and thwarted all his "measures; that this had been his reason for re-"calling Mr. Bristow. That since Mr. Francis's "return to Europe, and the arrival of informa-"tion there of the deaths of the other gentle-"men, the King and the Company had declared "their approbation of his (the Governour Ge-"neral's) conduct, and had conferred upon him "the most ample powers; that they had sent "out Mr. Macpherson, who was his old and par-"ticular friend; and that Mr. Stables, that was "on his way here as a Member of the Supreme "Council, was also his particular friend; that "Mr. Wheler had received letters from Europe, "informing him that the Members of the Coun-"cil were enjoined all of them to co-operate "and act in conjunction with him, in every "measure which should be agreeable to him; "and that there was no one in Council now, "who was not united with him, and conse-"quently that his authority was perfect and "complete; that Mr. Bristow, as it was "known to me, had returned to Europe; but "that during his stay there he had never said "any thing disrespectful of him or endeavoured "to injure him; on the contrary, he had re-"ceived accounts from Europe, that Mr. Bris-

" tow had spoken much in his praise; so that
" Mr. Bristow's friends had become his friends;
" that Mr. Bristow had lately been introduced
" to him by Mr. Macpherson, had explained
" his past conduct perfectly to his satisfaction,
" and had requested from him the appointment
" to Lucknow; and had declared, in the event
" of his obtaining the appointment, that he
" should shew every mark of attention and obe-
" dience to the pleasure of your Highness, and
" his the Governour's; saying that your High-
" ness was well pleased with him, and that he
" knew what you had written formerly, was at
" the instigation of Mr. Middleton; that in
" consequence of the foregoing, he the Go-
" vernour had determined to have appointed
" Mr. Bristow to Lucknow, but had postponed
" his dismission to his office, for the following
" reasons (videlicet), people at Lucknow might
" think, that Mr. Bristow had obtained his ap-
" pointment in consequence of orders from
" Europe, and contrary to the Governour's in-
" clination; but as the contrary was the case,
" and as he now considered Mr. Bristow as the
" object of his own particular patronage, there-
" fore he directed me to forward Mr. Bristow's
" arzee to the presence; and that it was the Go-
" vernour's wish that your Highness, on the
" receipt thereof, would write a letter to him,

" and, as from yourself, request of him that Mr. " Bristow may be appointed to Lucknow, and " that you would write an answer to this arzee, " expressive of your personal satisfaction on the " subject; the Governour concluded with in- " junctions, that until the arrival of your High- " ness's letter, requesting the appointment of " Mr. Bristow, and your answer to this arzee, " that I should keep the particulars of this " conversation a profound secret, for that the " communication of it to any person whatever, " would not only cause his displeasure, but " would throw affairs at Lucknow into great con- " fusion. The preceding is the substance of " the Governour's directions to me; he after- " wards went to Mr. Macpherson's and I at- " tended him, Mr. Bristow was there; the " Governour took Mr. Bristow's arzee from his " hand and delivered it into mine, and thence " proceeded to Council; Mr. Bristow's arzee, " and the following particulars, I transmit and " communicate by the Governour's directions; " and I request that I may be favoured with the " answer to the arzee, and the letter to the " Governour, as soon as possible, as his in- " junctions to me were very particular on the " subject."

My Lords, I have to observe upon this very extraordinary transaction, that you will see many

things in this letter that are curious, and worthy of being taken out of that abyss of secrets, Mr. Scott's trunk, in which this arzee was found. It contains, as far as the Prisoner thinks proper to reveal it, the true secret of the transaction. He confesses, first, the state of the Vizier's country, as communicated to him in various accounts of the anarchy and confusion said to reign throughout his territories. This was in the year 1782, during the time that the Oude correspondence was not communicated to the Council.

He next stated, that neither the Vizier nor his minister, nor Mr. Middleton nor Mr. Johnson, ever wrote to him on the state of affairs. Here then are three or four persons all nominated by himself, every one of them supposed to be in his strictest confidence; the Nabob and his vassal Hyder Beg Khan being, as we shall shew afterwards, entirely his dependents, and yet Mr. Hastings declares, that not one of them had done their duty, or had written him one word concerning the state of the country, and the anarchy and confusion that prevailed in it; and that when the Nabob did write, his assertions were contrary to the real state of things. Now this irregular correspondence, which he carried on at Lucknow, and which gave him, as he pretends, this contradictory information, was, as your Lordships will see, nothing more or less than a complete fraud.

Your

Your Lordships will next observe, that he tells the Vakeel his reason for turning him out was, that he had been patronized by other gentlemen. This was true; but they had a right to patronize him, and they did not patronize him from private motives, but in direct obedience to the order of the Court of Directors. He then adds the assurance which he had received from Mr. Bristow, that he would be perfectly obedient to him, Mr. Hastings, in future; and he goes on to tell the Vakeel, that he knew the Vizier was once well pleased with him (Mr. Bristow) and that his formal complaints against him were written at the instigation of Mr. Middleton.

Here is another discovery, my Lords. When he re-called Mr. Bristow, he did it under the pretence of its being desired by the Nabob of Oude; and that consequently he would not keep at the Nabob's court a man that was disagreeable to him. Yet when the thing comes to be opened, it appears that Mr. Middleton had made the Nabob, unwillingly, write a false letter. This subornation of falsehood appears also to have been known to Mr. Hastings. Did he, either as the natural guardian and protector of the reputation of his fellow servants, or as the official administrator of the laws of his country, or as a faithful servant of the Company, ever call Mr. Middleton to an account for it? No, never.

To every body, therefore, acquainted with the characters and circumstances of the parties concerned, the conclusion will appear evident that he was himself the author of it; but your Lordships will find there is no end of his insolence and duplicity.

He next tells the Vakeel, that the reason why he postponed the mission of Mr. Bristow to Lucknow was lest the people of Lucknow should think he had obtained his appointment in consequence of orders from Europe, and contrary to the Governour's inclination. You see, my Lords, he would have the people of the country believe that they are to receive the person appointed Resident not as appointed by the Company, but in consequence of his being under Mr. Hastings's particular patronage; and to remove from them any suspicion that the Resident would obey the orders of the Court of Directors, or any orders but his own, he proceeds in the manner I have read to your Lordships.

You here see the whole machinery of the business; he removes Mr. Bristow, contrary to the orders of the Court of Directors. Why? Because, says he to the Court of Directors, the Nabob complained of him, and desired it. He here says, that he knew the Nabob did not desire it, but that the letter of complaint really and substantially was Mr. Middleton's. Lastly, as he

he recalls Mr. Bristow, so he wishes him to be called back in the same fictitious and fraudulent manner. This system of fraud proves that there is not one letter from that country, not one act of this Vizier, not one act of his ministers, not one act of his ambassadors, but what is false and fraudulent. And now think, my Lords, first of the slavery of the Company's servants subjected in this manner to the arbitrary will and corrupt frauds of Mr. Hastings! Next think of the situation of the princes of the country obliged to complain without matter of complaint; to approve without of satisfaction, and to have all their correspondence fabricated by Mr. Hastings at Calcutta!

But, my Lords, it was not indignities of this kind alone that the Native Princes suffered from this system of fraud and duplicity. Their more essential interests and those of the people were involved in it, it pervaded and poisoned the whole mass of their internal government.

Who was the instrument employed in all this double dealing? Gobind Ram, the Vizier's diplomatic minister at Calcutta. Suspicions perpetually arise in his mind, whether he is not cheated and imposed upon. He could never tell when he had Mr. Hastings fixed upon any point. He now finds him recommending Mr. Middleton, and then declaring that Mr. Middleton

dleton neglects the duty of his office, and gives him, Gobind Ram, information that is fraudulent, and directly contrary to the truth. He is let into various contradictory secrets, and becomes acquainted with innumerable frauds, falsehoods, and prevarications. He knew that the whole pretended government of Oude was from beginning to end a deception; that it was an imposture for the purpose of corruption and peculation. Such was the situation of the Nabob's Vakeel. The Nabob himself was really at a loss to know who had and who had not the Governour's confidence; whether he was acting in obedience to the orders of the Court of Directors, or whether their orders were not always to be disobeyed. He thus writes to Gobind Ram, who was exactly in the same uncertainty.

" As to the commands of Mr. Hastings, " which you write on the subject of the distrac- " tion of the country, and the want of informa- " tion from me, and his wishes that as Mr. " John Bristow has shown sincere wishes and " attachment to Mr. Hastings, I should write " for him to send Mr. John Bristow; it would " have been proper and necessary for you pri- " vately to have understood what were Mr. " Hastings's real intentions. Whether the " choice of sending Mr. John Bristow was his " own desire, or whether it was in compliance

" with

" with Mr. Macpherson's; that I might then " have written conformably thereto; writings " are now sent to you for both cases. Having " privately understood the wishes of Mr. Hast- " ings, deliver whichever of the writings he " should order you, for I study Mr. Hastings's " satisfaction; whoever is his friend is mine, " and whoever is his enemy is mine; but in " both these cases, my wishes are the same; " that having consented to the paper of ques- " tions which Major Davy carried with him, and " having given me the authority of the country, " whomever he may afterwards appoint, I am " satisfied; I am now brought to great distress " by these gentlemen, who ruin me; in case of " consent, I am contented with Majors Davy " and Palmer. Hereafter, whatever may be " Mr. Hastings's desire, it is best."

Here is a poor, miserable instrument, confessing himself to be such, ruined by Mr. Hastings's public agents, Mr. Middleton and Mr. Johnson; ruined by his private agents, Major Davy and Major Palmer; ruined equally by them all; and at last declaring in a tone of despair, " If you have a mind really to keep " Major Davy and Major Palmer here, why I " must consent to it. Do what you please with " me, I am your creature; for God's sake, let " me have a little rest."

Your Lordships shall next hear what account Hyder Beg Khan, the Vizier's prime minister, gives of the situation in which he and his master were placed.

Extract of a Letter from Hyder Beg Khan; received 21st April 1785.

" I hope that such orders and commands as " relate to the friendship between his Highness " and the Company's governments and to your " will, may be sent through Major Palmer, in " your own private letters, or in your letters to " the Major, who is appointed from you at the " presence of his Highness, that, in obedience " to your orders, he may properly explain your " commands, and whatever affair may be settled, " he may first secretly inform you of it; and " afterwards his Highness may, conformably " thereto, write an answer, and I also may " represent it. By this system, your pleasure " will always be fully made known to his High- " ness, and his Highness and we will execute " whatever may be your orders, without de- " viating a hair's breadth; and let not the " representations of interested persons be ap- " proved of, because his Highness makes no " opposition to your will; and I your servant " am ready in obedience and service, and I make " no excuses."

Now,

Now, my Lords, was there ever such a discovery made of the arcana of any publick theatre? You see here behind the ostensible scenery, all the crooked working of the machinery developed, and laid open to the world. You now see by what secret movement the master of the mechanism has conducted the great Indian opera, an opera of fraud, deceptions, and harlequin tricks. You have it all laid open before you. The ostensible scene is drawn aside; it has vanished from your sight. All the strutting signors, and all the soft signoras, are gone; and instead of a brilliant spectacle of descending chariots, gods, goddesses, sun, moon and stars, you have nothing to gaze on but sticks, wire, ropes and machinery. You find the appearance all false and fraudulent; and you see the whole trick at once. All this, my Lords, we owe to Major Scott's trunk, which, by admitting us behind the scene, has enabled us to discover the real state of Mr. Hastings's government in India; and can your Lordships believe, that all this mechanism of fraud, prevarication, and falsehood, could have been intended for any purpose but to forward that robbery, corruption, and peculation, by which Mr. Hastings has destroyed one of the finest countries upon earth! Is it necessary, after this, for me to tell you that you are not to believe one word of the correspondence stated

stated by him to have been received from India? This discovery goes to the whole matter of the whole government of the country. You have seen what that government was, and by and by you shall see the effects of it.

Your Lordships have now seen this trunk of Mr. Scott's producing the effects of Aladdin's lamp; of which your Lordships may read in books much more worthy of credit than Mr. Hastings's correspondence. I have given all the credit of this precious discovery to Mr. Scott's trunk; but, my Lords, I find that I have to ask pardon for a mistake, in supposing the letter of Hyder Beg Khan to be a part of Mr. Hastings's correspondence. It comes from another quarter, not much less singular, and equally authentick and unimpeachable. But though it is not from the trunk, it smells of the trunk; it smells of the leather. I was as proud of my imaginary discovery as Sancho Pancha was, that one of his ancestors had discovered a taste of iron in some wine; and another a taste of leather in the same wine; and that afterwards there was found in the cask a little key tied to a thong of leather, which had given to the wine a taste of both. Now, whether this letter tasted of the leather of the trunk, or of the iron of Mr. Macpherson, I confess I was a little out in my suggestion and my taste. The letter in question was written by

Hyder

Hyder Beg Khan, after Mr. Hastings's departure, to Mr. Macpherson, when he succeeded to the government. That gentleman thus got possession of a key to the trunk, and it appears to have been his intentions to follow the steps of his predecessor, to act exactly in the same manner, and in the same manner to make the Nabob the instrument of his own ruin.

This letter was written by the Nabob's minister to Sir John Macpherson, newly inaugurated into his government, and who might be supposed not to be acquainted with all the best of Mr. Hastings's secrets, nor to have had all the trunk correspondence put into his hands. However, here is a trunk extraordinary, and its contents are much in the manner of the other. The Nabob's minister acquaints him with the whole secret of the system. It is plain that the Nabob considered it as a system not to be altered; that there was to be nothing true, nothing above board, nothing open in the government of his affairs. When you thus see that there can be little doubt of the true nature of the government, I am sure, that hereafter, when we come to consider the effects of that government, it will clear up, and bring home to the Prisoner at your bar, all we shall have to say upon this subject.

Mr. Hastings having thrown off compleatly the authority of the Company, as you have seen;

to the end of this proceeding. He is not only guilty of iniquity himself, but is at the head of a system of iniquity and rebellion; and will not suffer, with impunity, any one honest man to exist in India if he can help it. Every mark of obedience to the legal authority of the Company is by him condemned; and if there is any virtue remaining in India, as I think there is, it is not his fault that it still exists there.

We have shewn you the servile obedience of the natives of the country; we have shewn you the miserable situation to which a great prince, at least a person who was the other day a great prince, was reduced by Mr. Hastings's system. We shall next shew you that this prince, who, unfortunately for himself, became a dependent on the Company, and thereby subjected to the will of an arbitrary government, is made by him the instrument of his own degradation, the instrument of his (the Governour's) falsehoods; the instrument of his peculations—and that he had been subjected to all this degradation for the purposes of the most odious tyranny, violence, and corruption.

Mr. Hastings, having assumed the government to himself, soon made Oude a private domain. It had, to be sure, a public name, but it was to all practical intents and purposes his park or his warren; a place, as it were, for game; whence he

drew out or killed at an earlier or later season, as he thought fit, any thing he liked, and brought it to his table according as it served his purpose. Before I proceed, it will not be improper for me to remind your Lordships of the legitimate ends to which all controlling and superintending power ought to be directed. Whether a man acquires this power by law or by usurpation there are certain duties attached to his station. Let us now see what these duties are.

The first is to take care of that vital principle of every state, its Revenue. The next is to preserve the magistracy and legal authorities, in honour, respect and force. And the third to preserve the property, moveable and immoveable, of all the people committed to his charge.

In regard to his first duty; the protection of the revenue; your Lordships will find that from three millions and upwards, which I stated to be the revenue of Oude, and which Mr. Hastings, I believe, or any body for him, has never thought proper to deny—it sunk under his management to about one million four hundred and forty thousand pounds: and even this, Mr. Middleton says, (as you may see in your Minutes) was not compleatly realized. Thus my Lords, you see, that one half of the whole revenue of the country was lost after it came into Mr. Hastings's management. Well, but it may perhaps be said this

this was owing to the Nabob's own imprudence. No such thing, my Lords; it could not be so; for the whole *real* administration and government of the country was in the hands of Mr. Hastings's agents, publick or private.

To let you see how provident Mr. Hastings's management of it was, I shall produce to your Lordships one of the principal manœuvres that he adopted for the improvement of the revenue and for the happiness and prosperity of the country, the latter of which will always go along, more or less, with the first.

The Nabob, whose acts your Lordships have now learned to appreciate as no other than the acts of Mr. Hastings, writes to the Council to have a body of British officers for the purposes of improving the discipline of his troops, collecting his revenues, and repressing disorder and outrage among his subjects. This proposal was ostensibly fair and proper; and if I had been in the Council at that time, and the Nabob had really and bonâ fide made such a request, I should have said he had taken a very reasonable and judicious step, and that the Company ought to aid him in his design.

Among the officers sent to Oude, in consequence of this requisition, was the well known Colonel Hannay; a man whose name will be bitterly and long remembered in India. This

person, we understand, had been recommended to Mr. Hastings by Sir Elijah Impey: and his appointment was the natural consequence of such patronage. I say the natural consequence, because Sir Elijah Impey appears on your Minutes to have been Mr. Hastings's private agent and negotiator in Oude. In that light, and in that light only, I consider Colonel Hannay in this business. We cannot prove that he was not of Mr. Hastings's own nomination originally and primarily; but whether we take him in this way, or as recommended by Sir Elijah Impey, or any body else, Mr. Hastings is equally responsible.

Colonel Hannay is sent up by Mr. Hastings, and has the command of a brigade, of two regiments I think, given to him. Thus far all is apparently fair and easily understood; but in this country we find every thing in masquerade and disguise. We find this man, instead of being an officer, farmed the revenue of the country, as is proved by Colonel Lumsden and other gentlemen, who were his sub-farmers and his assistants. Here, my Lords, we have a man, who appeared to have been sent up the country as a commander of troops, agreeably to the Nabob's request; and who, upon our inquiry, we discover to have been farmer general of the country! We discover this with surprise; and I believe till our inquiries began it was unknown in Europe. We have, however,

however, proved upon your Lordships' Minutes, by an evidence produced by Mr. Hastings himself, that Colonel Hannay was actually farmer general of the countries of Barratch and Gurruckpore. We have proved upon your Minutes that Colonel Hannay was the only person possessed of power in the country; that there was no magistrate in it, nor any administration of the law whatever. We have proved to your Lordships that in his character of farmer general, he availed himself of the influence derived from commanding a battalion of soldiers; in short, we have proved that the whole power, civil, military, municipal and financial, resided in him; and we further refer your Lordships to Mr. Lumsden and Mr. Halhed, for the authority which he possessed in that country. Your Lordships, I am sure, will supply with your diligence what is defective, in my statement; I have therefore, taken the liberty of indicating to you where you are to find the evidence to which I refer. You will there, my Lords, find this Colonel Hannay in a false character—he is ostensibly given to the Nabob as a commander of his troops; while in reality, he is forced upon that prince as his farmer general. He is invested with the whole command of the country, while the sovereign is unable to controul him, or to

prevent his extorting from the people whatever he pleases.

If we are asked what the terms of his farm were. —We cannot discover that he farmed the country at any certain sum. We cannot discover that he was subjected to any terms; or confined by any limitations. Armed with arbitrary power, and exercising that power under a false title, his exactions from the poor natives were only limited by his own pleasure. Under these circumstances, we are now to ask what there was to prevent him from robbing and ruining the people; and what security against his robbing the exchequer of the person whose revenue he farmed?

You are told by the witnesses in the clearest manner, and, after what you have heard of the state of Oude, you cannot doubt the fact, that nobody, not even the Nabob, dared to complain against him; that he was considered as a man authorized and supported by the power of the British government; and it is proved in the evidence before you that he vexed and harrassed the country to the utmost extent which we have stated in our article of charge, and which you would naturally expect from a man acting under such false names with such real powers. We have proved that from some of the principal Zemindars in that country who held farms let to them

them for twenty-seven thousand rupees a year, a rent of sixty thousand was demanded, and in some cases enforced; and that upon the refusal of one of them to comply with this demand, he was driven out of the country.

Your Lordships will find in the evidence before you, that the inhabitants of the country were not only harrassed in their fortunes, but cruelly treated in their persons. You have it upon Mr. Halhed's evidence, and it is not attempted, that I know of, to be contradicted, that the people were confined in open cages exposed to the scorching heat of the sun, for pretended or real arrears of rent; it is indifferent which, because I consider all confinement of the person to support an arbitrary exaction, to be an abomination not to be tolerated. They have endeavoured, indeed, to weaken this evidence by an attempt to prove that a man, day and night in confinement in an open cage, suffers no inconvenience. And here I must beg your Lordships to observe the extreme unwillingness that appears in these witnesses. Their testimony is drawn from them drop by drop, their answers to our questions are never more than yes or no; but when they are examined by the counsel on the other side, it flows as freely as if drawn from a perennial spring; and such a spring we have in Indian corruption. We have however proved, that in these

these cages the renters were confined, till they could be lodged in the dungeons or mud forts. We have proved that some of them were obliged to sell their children; that others fled the country, and that these practices were carried to such an awful extent, that Colonel Hannay was under the necessity of issuing orders against the unnatural sale and flight which his rapacity had occasioned. The prisoner's counsel have attempted to prove that this had been a common practice in that country—and though possibly some person as wicked as Colonel Hannay might have been there before at some time or other, no man ever sold his children, but under the pressure of some cruel exaction. Nature calls out against it. The love that God has implanted in the heart of parents towards their children is the first germ of that second conjunction, which he has ordered to subsist between them and the rest of mankind. It is the first formation and first bond of society. It is stronger than all laws; for it is the law of nature, which is the law of God. Never did a man sell his children, who was able to maintain them. It is therefore, not only a proof of his exactions, but a decisive proof that these exactions were intolerable.

Next to the love of parents for their children, the strongest instinct both natural and moral that exists in man, is the love of his country:—

an

an instinct indeed, which extends even to the brute creation. All creatures love their offspring; next to that they love their homes; they have a fondness for the place where they have been bred, for the habitations they have dwelt in, for the stalls in which they have been fed, the pastures they have browsed in, and the wilds in which they have roamed. We all know that the natal soil has a sweetness in it beyond the harmony of verse. This instinct, I say, that binds all creatures to their country, never becomes inert in us, nor ever suffers us to want a memory of it. Those, therefore, who seek to fly their country, can only wish to fly from oppression; and what other proof can you want of this oppression, when, as a witness has told you, Colonel Hannay was obliged to put bars and guards to confine the inhabitants within the country? We have seen, therefore, nature violated in its strongest principles. We have seen unlimited and arbitrary exaction avowed on no pretence of any law, rule, or any fixed mode by which these people were to be dealt with. All these facts have been proved before your Lordships, by costive and unwilling witnesses. In consequence of these violent and cruel oppressions, a general rebellion breaks out in the country, as was naturally to be expected. The inhabitants rise as if by common consent; every farmer, every proprietor

prietor of land, every man who loved his family and his country, and had not fled for refuge, rose in rebellion, as they call it. My Lords, they did rebel; it was a just rebellion. Insurrection was there just and legal, inasmuch as Colonel Hannay, in defiance of the laws and rights of the people, exercised a clandestine, illegal authority, against which there can be no rebellion in its proper sense.

As a rebellion, however, and as a rebellion of the most unprovoked kind, it was treated by Colonel Hannay; and to one instance of the means taken for suppressing it, as proved by evidence before your Lordships, I will just beg leave to call your attention. One hundred and fifty of the inhabitants had been shut up in one of the mud forts I have mentioned; the people of the country, in their rage, attacked the fort, and demanded the prisoners; they called for their brothers, their fathers, their husbands, who were confined there. It was attacked by the joint assault of men and women. The man who commanded in the fort immediately cut off the heads of eighteen of the principal prisoners, and tossed them over the battlements to the assailants. There happened to be a prisoner in the fort, a man loved and respected in his country, and who, whether justly or unjustly, was honoured and much esteemed by all the people. "Give

"us

"us our Rajah Mustapha Khan" (that was the name of the man confined), cried out the assailants. We asked the witness at your bar, what he was confined for; he did not know, but he said that Colonel Hannay had confined him, and added that he was sentenced to death. We desired to see the futwa or decree of the judge who sentenced him; no, no such thing, nor any evidence of it's having ever existed, could be produced. We desired to know whether he could give any account of the process, any account of the magistrate, any account of the accuser, any account of the defence; in short, whether he could give any account whatever of this man's being condemned to death. He could give no account of it, but the orders of Colonel Hannay, who seems to have imprisoned and condemned him by his own arbitrary will. Upon the demand of Rajah Mustapha, by the insurgents, being made known to Colonel Hannay, he sends an order to the commander of the fort, a man already stained with the blood of all the people who were murdered there, that if he had not executed Mustapha Khan, he should execute him immediately. The man is staggered at the order, and refuses to execute it, as not being directly addressed to him.

Colonel Hannay then sends a Captain Williams, who has appeared here as an evidence at your bar,

bar, and who, together with Captain Gordon and Major Macdonald, both witnesses also here, were all sub-farmers and actors under Colonel Hannay. This Captain Williams, I say, goes there, and without asking one of those questions which I put to the witness at your bar, and desiring nothing but Colonel Hannay's word, orders the man to be beheaded; and accordingly he was beheaded, agreeably to the orders of Colonel Hannay. Upon this, the rebellion blazed out with tenfold fury, and the people declared they would be revenged for the destruction of their Zemindar.

Your Lordships have now seen this Mustapha Khan imprisoned, and sentenced to death by Colonel Hannay, without judge and without accuser, without any evidence, without the futwa or any sentence of the law. This man is thus put to death by an arbitrary villain, by a more than cruel tyrant Colonel Hannay, the substitute of a ten thousand times more cruel tyrant, Mr. Hastings.

In this situation was the country of Oude, under Colonel Hannay, when he was removed from it. The knowledge of his misconduct had before induced the miserable Nabob to make an effort to get rid of him; but Mr. Hastings had repressed that effort by a civil reprimand, telling him indeed at the same time, "I do not

"force

"force you to receive him." (Indeed the Nabob's situation had in it force enough.) The Nabob, I say was forced to receive him; and again he ravages and destroys that devoted country, till the time of which I have been just speaking; when he was driven out of it finally by the rebellion, and, as you may imagine, departed like a leech full of blood.

It is stated in evidence upon your Minutes, that this bloated leech went back to Calcutta, that he was supposed from a state of debt, (in which he was known to have been when he left that city) to have returned from Oude, with the handsome sum of 300,000*l.* of which 80,000*l.* was in gold mohurs. This is declared to be the universal opinion in India, and no man has ever contradicted it. Ten persons have given evidence to that effect, not one has contradicted it from that hour to this, that I ever heard of. The man is now no more. Whether his family have the whole of the plunder or not; what partnership there was in this business; what shares, what dividends were made, and who got them.—About all this, public opinion varied, and we can with certainty affirm nothing;—but there ended the life and exploits of Colonel Hannay, farmer general, civil officer, and military commander of Burratch and Gurruckpore. But not so ended Mr. Hastings's proceedings.

Soon

Soon after the return of Colonel Hannay to Calcutta, this miserable Nabob received intelligence which concurrent public fame supported, that Mr. Hastings meant to send him up into the country again on a second expedition; probably with some such order as this—you have sucked blood enough for yourself, now try what you can do for your neighbours. The Nabob was not likely to be misinformed. His friend and agent, Gobind Ram, was at Calcutta, and had constant access to all Mr. Hastings's people. Mr. Hastings himself tells you what instructions these vakeels always have to search into and discover all his transactions. This Gobind Ram, alarmed with strong apprehensions, and struck with horror at the very idea of such an event, apprized his master of his belief, that Mr. Hastings meant to send Colonel Hannay again into the country. Judge now, my Lords, what Colonel Hannay must have been, from the declaration which I will now read to you, extorted from that miserable slave, the Nabob; who thus addresses Mr. Hastings:

"My country and house belong to you; there "is no difference. I hope that you desire in "your heart the good of my concerns. Colonel "Hannay is inclined to request your permission "to be employed in the affairs of this quarter. "If by any means any matter of this country

"dependant

" dependant on me, should be entrusted to the " Colonel, I swear by the holy Prophet, that " I will not remain here, but will go from hence " to you. From your kindness let no concern " dependant on me, be intrusted to the Colonel; " and oblige me by a speedy answer, which may " set my mind at ease." We know very well that the Prisoner at your bar denied his having any intention to send him up. We cannot prove them, but we maintain that there were grounds for the strongest suspicions that he entertained such intentions; he cannot deny the reality of this terror, which existed in the minds of the Nabob and his people, under the apprehension that he was to be sent up, which plainly shewed that they at least considered there was ground enough for charging him with that intention. What reason was there to think that he should not be sent a third time, who had been sent twice before? Certainly none, because every circumstance of Mr. Hastings's proceedings was systematical, and perfectly well known at Oude.

But suppose it to have been a false report;—it shews all that the Managers wish to shew, the extreme terror which these creatures and tools of Mr. Hastings struck into the people of that country. His denial of any intention of again sending Colonel Hannay does not disprove either

the justness of their suspicions, or the existence of the terror which his very name excited.

My Lords, I shall now call your attention to a part of the evidence which we have produced, to prove the terrible effects of Colonel Hannay's operations. Captain Edwards, an untainted man, who tells you that he had passed through that country, again and again describes it as bearing all the marks of savage desolation. Mr. Holt says, it has fallen from its former state; that whole towns and villages were no longer peopled, and that the country carried evident marks of famine. One would have thought that Colonel Hannay's cruelty and depredations would have satiated Mr. Hastings. No. He finds another military collector, a Major Osborne, who, having suffered in his preferment by the sentence of a court martial, whether justly or unjustly I neither know nor care, was appointed to the command of a thousand men, in the provinces of Oude; but really, to the administration of the revenues of the country. He administered them much in the same manner as Colonel Hannay had done. He, however, transmitted to the Government at Calcutta, a partial representation of the state of the provinces, the substance of which was that the natives were exposed to every kind of peculation,

and

and that the country was in a horrible state of confusion and disorder. This is upon the Company's records; and although not produced in evidence, your Lordships may find it, for it has been printed over and over again. This man went up to the Vizier; in consequence of whose complaint, and the renewed cries of the people, Mr. Hastings was soon obliged to recal him.

But, my Lords, let us go from Major Osborne to the rest of these military purveyors of revenue. Your Lordships shall hear the Vizier's own account of what he suffered from British officers, and into what a state Mr. Hastings brought that country, by the agency of officers who, under the pretence of defending it, were invested with powers which enabled them to commit most horrible abuses in the administration of the revenue, the collection of customs, and the monopoly of the markets.

Copy of a letter from the Nabob Vizier to the Governour General.

" All the officers stationed with the brigade " at Cawnpore, Futtyghur, Darunghur and " Furrackabad, and other places, write Pur- " wannas, and give positive orders to the Aumils " of these places, respecting the grain, &c.; " from which conduct the country will become " depopulate. I am hopeful from your friend-

" ship, that you will write to all these gentlemen " not to issue orders, &c. to the Aumils, and " not to send troops into the Mahals of the " Sircar; and for whatever quantity of grain, &c. " they may want, they will inform me and the " Resident, and we will write it to the Aumils, " who shall cause it to be sent them every " month, and I will deduct the price of them " from the Tuncahs; this will be agreeable both " to me and to the Ryots."

A copy of a subsequent letter from the Vizier to Rajah Gobind Ram.

" I some time ago wrote you the particulars " of the conduct of the officers, and now write " them again. The officers and gentlemen who " are at Cawnpore, and Futtyghur, and Da- " runghur, and other places, by different means " act very tyrannically and oppressively towards " the Aumils and Ryots, and inhabitants; and " to whomsoever that requires a Dustuck, they " give it, with their own seal affixed, and send " for the Aumils and punish them. If they say " any thing, the gentlemen make use of but " two words; one—*that is for the brigade*, and " the second—*that is to administer justice.* The " particulars of it is this, that the Bipparies will " bring their grain from all quarters, and sell " for their livelihood. There is at present no

" war

" war to occasion a necessity for sending for it.
" If none comes, whatever quantity will be
" necessary every month, I will mention to the
" Aumils, that they may bring it for sale; but
" there is no deficiency of grain. The gentle-
" men have established gunges for their own
" advantage, called Colonel Gunge at Darung-
" hur, Futtyghur, &c. The collection of the
" customs from all quarters they have stopped,
" and collected them at their own gunges; each
" gunge is rented out at 30,000–40,000 rupees,
" and their collections paid to the gentlemen.
" They have established gunges where there
" never were any, and where they were, those
" they have abolished; 30,000 or 40,000 rupees
" is the sum they are rented at; the collections,
" to the amount of a lack of rupees, are stopped.
" Major Briscoe, who is at Darunghur, has
" established a gunge, which rented out for
" 45,000 rupees; and has stopped the Ghauts
" round about the Bipparies, and merchants
" coming from Cashmere, from Shaw Jeha-
" nabeid, and bringing shawls and other goods
" and spices, &c. from all quarters, he orders
" to his gunge, and collects the duty from the
" Aumils, gives them a chit and a guard, who
" conducts them about five hundred coss: the
" former duties are not collected. From the
" conduct at Cawnpore, Futtyghur, Furrack-

" abad, &c.; the duties from the lilla of Gora
" and Thlawa are destroyed, and occasion a loss
" of three lacks of rupees to the duties; and
" the losses that are sustained in Furrackabad
" may be ascertained by the Nabob Mozuffir
" Jung, to whom every day complaints are
" made; exclusive of the Aumils and collectors,
" others lodge complaints. Whatever I do,
" I desire no benefit from it; I am remediless
" and silent; from what happens to me, I
" know that worse will happen in other places;
" the second word, I know, is from their mouths
" only. This is the case. In this country
" formerly, and even now, whatever is to be
" received or paid among the Zemindars, Ryots
" and inhabitants of the cities, and poor people,
" neither those who can pay, or those who can-
" not pay, ever make any excuse to the Shroffs;
" but when they could pay, they did. In old
" debts of fifty years, whoever complain to the
" gentlemen, they agree that they shall pay
" one-fourth, and send dustucks and sepoys to
" all the Aumils, the Chowdries and Canoon-
" goes, and inhabitants of all the towns; they
" send for every body, to do them justice, con-
" fine them, and say they will settle the business.
" So many and numerous are these calamities,
" that I know not how much room it will take
" up to mention them. Mr. Briscoe is at Da-
" runghur;

" runghur; and the complaints of the Aumils " arrive daily. I am silent. Now Mr. Middleton " is coming here, let the Nabob appoint him for " settling all these affairs, that whatever he shall " order those gentlemen, they will do. From " this every thing will be settled, and the par- " ticulars of this quarter will be made known to " the Nabob. I have written this, which you " will deliver to the Governour, that every thing " may be settled; and when he has understood " it, whatever is his inclination, he will favour " me with it. The Nabob is master in this " country, and is my friend; there is no dis- " tinction."

Copy of another Letter, entered upon the consultation of the 4th of June 1781.

" I have received your letter, requesting leave " for a battalion, to be raised by Captain Clark " on the same footing as Major Osborne's was, " agreeable to the requests and complaints of " Ishmael Beg, the Aumil of Illahabad, &c. " and in compliance with the directions of the " Council. You are well acquainted with the " particulars and negociation of Ishmael Beg, " and the nature of Mr. Osborne's battalion. " At the beginning of the year 1186 (1779) the " affairs of Illahabad were given on a lease of

" three years to Ishmael Beg, together with the " pergunnahs Arreel and Parra; and I gave " orders for troops to be stationed and raised, " conformable to his request. Ishmael Beg " accordingly collected twelve hundred Peons, " which were not allowed to the Aumil of that " place in the year 1185. The reason why " I gave permission for the additional expense " of twelve hundred Peons, and that he might " be enabled to manage the country with ease, " and pay the money to Government regularly. " I besides sent Mr. Osborne there, to command " in the Mahals belonging to Illahabad, which " were in the possession of Rajah Ajeit Sing; " and he accordingly took charge.

" Afterwards, in obedience to the orders of " the Governour General Mr. Hastings, Jelladut " Jung, he was recalled, and the Mahals placed, " as before, under Rajah Ajeit Sing. I never " sent Mr. Osborne to settle the concerns of " Illahabad, for there was no occasion for him; " but Mr. Osborne, of himself, committed de- " predations and rapines within Ishmael Beg's " jurisdiction. Last year the battalion which, " by permission of General Sir Eyre Coote, was " sent, received orders to secure and defend " Ishmael Beg against the encroachments of " Mr. Osborne; for the complaints of Ishmael " Beg against the violences of Mr. Osborne had

reached

" reached the General and Mr. Purling; and " the Governour and gentleman of Council, at " my request, recalled Mr. Osborne. This year, " as before, the collections of Arreel and Parra " remain under Ishmael Beg. In those places, " some of the Talookdars and Zemindars, who " had been oppressed and ill treated by Mr. " Osborne, had conceived ideas of rebellion."

Here, my Lords, you have an account of the condition of Darughur, Futtyghur, Furruckabad, and of the whole line of our military stations in the Nabob's dominions. You see the whole was one universal scene of plunder and rapine. You see all this was known to Mr. Hastings, who never inflicted any punishments for all this horrible outrage. You see the utmost he has done is merely to recal one man, Major Osborne, who was by no means the only person deeply involved in these charges. He nominated all these people; he has never called any of them to an account. Shall I not then call him their Captain General? Shall not your Lordships call him so? And shall any man in the kingdom call him by any other name? We see all the executive, all the civil and criminal justice of the country seized on by him. We see the trade, and all the duties seized upon by his creatures. We see them destroying established markets, and creating others at their pleasure.

We

We see them, in the country of an ally, and in a time of peace, producing all the consequences of rapine and of war. We see the country ruined and depopulated by men, who attempt to exculpate themselves, by charging their unhappy victims with rebellion.

And now, my Lords, who is it that has brought to light all these outrages and complaints, the existence of which has never been denied, and for which no redress was ever obtained, and no punishment ever inflicted? Why, Mr. Hastings himself has brought them before you; they are found in papers which he has transmitted. God, who inflicts blindness upon great criminals, in order that they should meet with the punishment they deserve, has made him the means of bringing forward this scene, which we are maliciously said to have falsely and maliciously devised. If any one of the ravages contained in that long catalogue of grievances is false, Warren Hastings is the person who must answer for that individual falsehood. If they are generally false, he is to answer for the false and calumniating accusation; and, if they are true, my Lords, he only is answerable, for he appointed those ministers of outrage, and never called them to account for their misconduct.

Let me now shew your Lordships the character that Mr. Hastings gives of all the British officers.

officers. It is to be found in an extract from the Appendix to that part of his Benares narrative, in which he comments upon the Treaty of Chunar. Mark, my Lords, what the man himself says, of the whole military service.—" Notwithstanding the great benefit which the Company " would have derived from such an augmentation of their military force as these troops " constituted, ready to act on any emergency, " prepared and disciplined without any charge " on the Company, as the institution professed, " until their actual services should be required, " I have observed some evils growing out of " the system, which, in my opinion, more than " counterbalanced those advantages, had they " been realized in their fullest effect. The " remote stations of these troops, placing the " commanding officers beyond the notice and " controul of the Board, afforded too much " opportunity and temptation for unwarrantable " emoluments, and excited the contagion of " peculation and rapacity throughout the whole " army. A most remarkable and incontrover- " tible proof of the prevalence of this spirit has " been seen in the court martial upon Captain " Erskine, where the court, composed of officers " of rank and respectable characters, unani- " mously and honourably, most honourably, " acquitted him upon an acknowledged fact, " which,

" which, in times of stricter discipline, would " have been deemed a crime deserving the se- " verest punishment."

I will now call your Lordships' attention to another extract from the same comment of Mr. Hastings, with respect to the removal of the Company's servants, civil and military, *from the* court and service of the Vizier.—" I was actuated " solely by motives of justice to him, and a re- " gard to the honour of our national character. " In removing those gentlemen, I diminish my " own influence, as well as that of my colleagues, " by narrowing the line of patronage ; and I ex- " pose myself to obloquy and resentment from " those who are immediately affected by the " arrangement, and the long train of their " friends and powerful patrons. But their " numbers, their influence, and the enormous " amount of their salaries, pensions, and emolu- " ments, were an intolerable burthen on the " revenues and authority of the Vizier, and ex- " posed us to the envy and resentment of the " whole country, by excluding the native ser- " vants and adherents of the Vizier from the " rewards of their services and attachment."

My Lords, you have here Mr. Hastings's opinion of the whole military service. You have here the authority and documents by which he supports his opinion. He states, that the contagion

tagion of peculation had tainted all the frontier stations, which contain much the largest part of the Company's army. He states that this contagion had tainted the whole army, *every where*; so that according to him, there was, throughout the Indian army, an universal taint of peculation. —My Lords, peculation is not a military vice.— Insubordination, want of attention to duty, want of order, want of obedience and regularity, are military vices; but whoever before heard of peculation being a military vice? In the case before you, it became so by employing military men as farmers of revenue, as masters of markets and of gunges. This departure from the military character and from military duties, introduced that peculation which tainted the army, and desolated the dominions of the Nabob Vizier.

I declare when I first read the passage which has been just read to your Lordships, in the infancy of this inquiry, it struck me with astonishment, that peculation should *at all* exist as a military vice; but I was still more astonished at finding Warren Hastings charging the *whole* British army with being corrupted by this base and depraved spirit, to a degree which tainted even their judicial character. This, my Lords, is a most serious matter. The judicial functions of military men are of vast importance in themselves; and, generally speaking, there is not

any

any tribunal, whose members are more honourable in their conduct, and more just in their decisions than those of a court martial. Perhaps there is not a tribunal in this country whose reputation is really more untainted than that of a court martial. It stands as fair in the opinion both of the army and of the public as any tribunal, in a country where *all* tribunals stand fair. But in India, this unnatural vice of peculation, which has no more to do with the vices of a military character than with its virtues;—this venomous spirit has pervaded the members of military tribunals to such an extent, that they acquit, honourably acquit, *most* honourably acquit a man, "upon an acknowledged fact, which, in "times of stricter discipline, would have been "deemed a crime deserving the severest pu-"nishment."

Who says all this, my Lords? Do I say it?—No: it is Warren Hastings who says it. He records it. He gives you his vouchers and his evidence, and he draws the conclusion. He is the criminal accuser of the British army. He, who sits in that box, accuses the whole British army in India. He has declared them to be so tainted with peculation from head to foot, as to have been induced to commit the most wicked perjuries, for the purpose of bearing one another out in their abominable peculations. In this

unnatural

unnatural state of things, and whilst there is not one military man on these stations of whom Mr. Hastings does not give this abominably flagitious character; yet every one of them have joined to give him the benefit of their testimony for his honourable intentions and conduct.

In this tremendous scene, which he himself exposes, are there no signs of this captain-generalship which I have alluded to? Are there no signs of this man's being a captain-general of iniquity, under whom all the spoilers of India were paid, disciplined, and supported? I not only charge him with being guilty of a thousand crimes; but I assert, that there is not a soldier or a civil servant in India, whose culpable acts are not owing to this man's example, connivance and protection. Every thing which goes to criminate them, goes directly against the prisoner. He puts them in a condition to plunder. —He suffered no native authority or government to restrain them; and he never called a man to an account for these flagitious acts which he has thought proper to bring before his country, in the most solemn manner and upon the most solemn occasion.

I verily believe, in my conscience, his accusation is not true, in the excess, in the generality and extravagance in which he charges it. That it is true, in a great measure, we cannot deny; and

and in that measure we, in our turn, charge him with being the author of all the crimes which he denounces; and if there is any thing in the charge beyond the truth, it is he who is to answer for the falsehood.

I will now refer your Lordships to his opinion of the civil service, as it is declared and recorded in his remarks upon the removal of the Company's civil servants by him from the service of the Vizier.—" I was," says he, " actuated solely " by motives of justice to him, (the Nabob of " Oude) and a regard to the honour of our " national character." Here, you see, he declares his opinion, that in Oude the civil servants of the Company had destroyed the national character, and that therefore they ought to be recalled.—" By removing these people," he adds, " I diminish my patronage!" But I ask, How came they there?—Why, through this patronage.—He sent them there, to suck the blood which the military had spared. He sent these civil servants to do ten times more mischief than the military ravagers could do, because they were invested with greater authority. " If," says he, " I recal them from thence, I lessen my " patronage!"—But who, my Lords, authorized him to become a patron? What laws of his country justified him in forcing upon the Vizier the civil servants of the Company?—What treaty

authorized

authorized him to do it?—What system of policy, except his own wicked, arbitrary system, authorized him to act thus?

He proceeds to say, "I expose myself to "obloquy and resentment, from those who are "immediately affected by the arrangement, and "the long train of their friends and powerful patrons."—My Lords, it is the constant burthen of his song, that he cannot do his duty; that he is fettered in every thing; that he fears a thousand mischiefs to happen to him;—not from his acting with carefulness, economy, frugality, and in obedience to the laws of his country, but from the very reverse of all this. Says he, I am afraid I shall forfeit the favour of the powerful patrons of those servants in England; namely, the Lords and Commons of England, if I do justice to the suffering people of this country.

In the House of Commons there are undoubtedly powerful people, who may be supposed to be influenced by patronage; but the higher and more powerful part of the country is more directly represented by your Lordships than by us, although we have of the first blood of England in the House of Commons. We do indeed represent, by the knights of the shires, the landed interest. By our city and borough members, we represent the trading interest; we represent the whole people of England collectively. But

neither blood nor power is represented so fully in the House of Commons, as that order which composes the great body of the people; the protection of which is our peculiar duty, and to which it is our glory to adhere. But the dignities of the country, the great and powerful, are represented eminently by your Lordships. As we therefore would keep the lowest of the people from the contagion and dishonour of peculation and corruption, and above all, from exercising that vice, which, among commoners, is unnatural as well as abominable, the vice of tyranny and oppression; so we trust that your Lordships will clear yourselves and the higher and more powerful ranks from giving the smallest countenance to the system which we have done our duty in denouncing and bringing before you.

My Lords, you have heard the account of the civil service.—Think of their numbers, think of their influence, and the enormous amount of their salaries, pensions and emoluments! They were, you have heard, an intolerable burthen on the revenues and authority of the Vizier; and they exposed us to the envy and resentment of the whole country, by excluding the native servants and adherents of the prince from the just reward of their services and attachments. Here, my Lords, is the whole civil service brought before you. They usurp the country, they destroy

stroy the revenues, they overload the prince, and they exclude all the nobility and eminent persons of the country from the just reward of their service.

Did Mr. Francis, whom I saw here a little while ago, send these people into that country? Did General Clavering, or Colonel Monson, whom he charges with this system, send them there? No, they were sent by himself; and if one was sent by any body else for a time, he was soon recalled; so that he is himself answerable for all the peculation which he attributes to the civil service. You see the character given of that service; you there see their accuser; you there see their defender, who, after having defamed both services, military and civil, never punished the guilty in either; and now receives the prodigal praises of both.

I defy the ingenuity of man to shew that Mr. Hastings is not the defamer of the service. I defy the ingenuity of man to shew that the honour of Great Britain has not been tarnished under his patronage. He engaged to remove all these blood suckers by the treaty of Chunar; but he never executed that treaty. He proposed to take away the temporary brigade; but he again established it. He redressed no grievance; he formed no improvements in the Government; he never attempted to provide a remedy without

was made by the Nabob, respecting the expenses of the gentlemen resident at his court, and written after the removal before-mentioned.

Extract of a letter from the Vizier to Mr. Macpherson; received the 21st April 1785.

" With respect to the expenses of the gentle-
" men who are here, I have before written in a
" covered manner; I now write plainly that I
" have no ability to give money to the gentle-
" men, because I am indebted many lacks of
" rupees to the bankers, for the payment of the
" Company's debt. At the time of Mr. Hast-
" ings's departure, I represented to him that I
" had no resources for the expenses of the gen-
" tlemen. Mr. Hastings, having ascertained my
" distressed situation, told me that after his
" arrival in Calcutta he would consult with the
" Council, and remove from hence the expenses
" of the gentlemen, and recal every person, except
" the gentlemen in office here. At this time,
" that all the concerns are dependant upon you,
" and you have in every point given ease to my
" mind, according to Mr. Hastings's agreement,
" I hope that the expenses of the gentlemen
" may be removed from me, and that you may
" recal every person residing here beyond the
" gentlemen in office. Although Major Palmer

entire dependence of Oude on the British empire. I have shewn you how Mr. Hastings usurped all power, reduced the prince to a cypher, and made of his minister a mere creature of his own; how he made the servants of the Company dependent on his own arbitrary will; and considered independence a proof of corruption. It has been likewise proved to your Lordships, that he suffered the army to become an instrument of robbery and oppression; and one of its officers to be metamorphosed into a farmer general; to waste the country and embezzle its revenues. You have seen a clandestine and fraudulent system, occasioning violence and rapine; and you have seen the prisoner at the bar acknowledging and denouncing an abandoned spirit of rapacity, without bringing its ministers to justice; and pleading as his excuse, the fear of offending your Lordships and the House of Commons. We have shewn you the government, revenue, commerce and agriculture of Oude, ruined and destroyed by Mr. Hastings and his creatures. And to wind up all, we have shewn you an army so corrupted, as to pervert the fundamental principles of justice, which are the elements and basis of military discipline. All this, I say, we have shewn you; and I cannot believe, that your Lordships will consider that we have trifled with your time, or strained our

comments one jot beyond the strict measure of the text.

We have shewn you a horrible scene, arising from an astonishing combination of horrible circumstances. The order in which you will consider these circumstances must be left to your Lordships. At present I am not able to proceed further. My next attempt will be to bring before you, the manner in which Mr. Hastings treated moveable and immoveable property in Oude, and by which he has left nothing undestroyed in that devoted country.

[Adjourned.

TRIAL

OF

WARREN HASTINGS, ESQ.

SATURDAY, JUNE 7th, 1794.

FIFTH DAY OF THE REPLY.

(MR. BURKE.)

MY LORDS,

WE will now resume the consideration of the remaining part of our Charge, and of the Prisoner's attempts to defend himself against it.

Mr. Hastings, well knowing, (what your Lordships must also by this time be perfectly satisfied was the case) that this unfortunate Nabob had no will of his own, draws down his poor victim to Chunar, by an order to attend the Governour General. If the Nabob ever wrote to Mr. Hastings, expressing a request or desire for this meeting, his letter was unquestionably dictated to him by the Prisoner. We have laid a ground of direct proof before you, that the Nabob's being at Chunar, that his proceedings there, and that

that all his acts were so dictated, and consequently must be so construed.

I shall now proceed to lay before your Lordships the acts of oppression committed by Mr. Hastings, through his two miserable instruments; the one, his passive instrument, the Nabob; the other, Mr. Middleton, his active instrument, in his subsequent plans for the entire destruction of that country. In page 513 of the printed Minutes, you have Mr. Middleton's declaration of his promptitude to represent every thing agreeably to Mr. Hastings's wishes.

" My dear Sir,—I have this day answered " your publick letter in the form you seemed to " expect. I hope there is nothing in it, that " may to you appear too pointed. If you wish " the matter to be otherwise understood than I " have taken up and stated it, I need not say " I shall be ready to conform to whatever you " may prescribe, and to take upon myself any " share of the blame of the hitherto non-per- " formance of the stipulations made on behalf " of the Nabob; though I do assure you I my- " self represented to his Excellency and the " ministers, conceiving it to be your desire, " that the apparent assumption of the reins of " his government (for in that light he undoubt- " edly considered it at the first view), as speci-

" fied

" fied in the agreement executed by him, was " not meant to be fully and literally enforced, " but that it was necessary you should have " something to shew on your side, as the Com- " pany were deprived of a benefit, without a " requital; and upon the faith of this assurance " alone, I believe I may safely affirm, his Ex- " cellency's objections to signing the treaty " were given up. If I have understood the " matter wrong, or misconceived your design, " I am truly sorry for it. However, it is not too " late to correct the errour; and I am ready to " undertake, and God willing, to carry through " whatever you may, on the receipt of my pub- " lick letter, tell me is your final resolve.

" If you determine, at all events, that the " measures of reducing the Nabob's army, &c. " shall be immediately undertaken, I shall take " it as a particular favour if you will indulge me " with a line at Fyzabad, that I may make the " necessary previous arrangements with respect " to the disposal of my family, which I would " not wish to retain here, in the event either of " a rupture with the Nabob, or the necessity of " employing our forces on the reduction of his " aumils and troops. This done, I can begin " the work in three days after my return from " Fyzabad."

Besides this letter, which I think is sufficiently clear

by the assurance given to him that it never was to be executed. Here then your Lordships have a prince first compelled to enter into a negotiation, and then induced to accede to a treaty, by false assurances that it should not be executed, which he declares nothing but force should otherwise have compelled him to accede to.

The first circumstance in this transaction, that I shall lay before your Lordships, is, that the treaty is declared to have for its objects two modes of relieving the Nabob from his distresses; from distresses, which we have stated, and which Mr. Hastings has not only fully admitted, but has himself proved in the clearest manner to your Lordships. The first was by taking away that *wicked rabble*, the British troops, represented by Mr. Hastings as totally ruinous to the Nabob's affairs; and, particularly, by removing that part of them, which was called the new brigade.

Another remedial part of the treaty regarded the British pensioners. It is in proof before your Lordships, that Mr. Hastings agreed to recal from Oude that body of pensioners, whose conduct there is described, in such strong terms, as being ruinous to the Vizier and to all his affairs. These pensioners Mr. Hastings engaged to recal; but he never did recal them. We refer your Lordships to the evidence before you,

in

Chunar, is a power given to the Nabob to resume all the jaghires not guaranteed by the Company, and to give pensions to all those persons who should be removed from their jaghires.

Now, the first thing which would naturally occur to a man who was going to raise a revenue through the intervention of the prince of the country, would be to recommend to that prince a better economy in his affairs, and a rational and equal assessment upon his subjects, in order to furnish the amount of the demand which he was about to make upon him. I need not tell your Lordships, trained and formed as your minds are to the rules and orders of good government, that there is no way by which a prince can justly assess his subjects, but by assessing them all in proportion to their respective abilities; and that if a prince should make such a body, as the House of Lords in this kingdom (which comes near the case I am going to state) separately the subject of assessment, such a thing would be contrary to all the principles of regular and just taxation in any country in the universe. Some men may possibly, by locality or privileges, be excepted from certain taxes, but no taxation ever can be just that is thrown upon some particular class only; and if that class happen to be small and the demand great, the injustice done is directly proportionable to the greatness of the

some of these jaghires (as they are called, and on which I shall say a very few words to your Lordships,) were guaranteed by the Company. The jaghires of his own house, of his mother and grandmother, were guaranteed by us. I must inform your Lordships, that upon some of our other exactions at an earlier period, the Nabob had endeavoured to levy a forced loan upon the jaghirdars. This forced loan was made and submitted to by those people, upon a direct assurance of their rights in the jaghires, which right was guaranteed by the British Resident, not only to the Begums, and to the whole family of the Nabob, but also to all the other objects of the tax.

Before I proceed, I will beg leave to state to you briefly the nature of these jaghires. The jaghirdars, the holders of jaghires, form the body of the principal Mahometan nobility. The great nobility of that country are divided into two parts: one part consists of the zemindars, who are the ancient proprietors of land, and the hereditary nobility of the country, these are mostly Gentoos. The Mahometans form the other part, whose whole interest in the land consist in the jaghires, for very few indeed of them are zemindars any where, in some of the provinces none of them are so; the whole of them are jaghirdars.

whose family, both by father and mother, notwithstanding the slander of the Prisoner against his benefactor, was undoubtedly of the first and most distinguished nobility of the Mahometan empire. Accordingly his uncles, all his near relations, his mother, grandmother, all possessed jaghires, some of very long standing, and most of them not given by the Nabob.

I take some pains in explaining this business, because I trust your Lordships will have a strong feeling against any confiscation for the purpose of revenue. Believe me, my Lords, if there is any thing which will root the present order of things out of Europe, it will begin, as we see it has already begun in a neighbouring country, by confiscating, for the purposes of the State, grants made to classes of men, let them be held by what names, or be supposed susceptible of what abuses soever. I will venture to say that Jacobinism never can strike a more deadly blow against property, rank and dignity, than your Lordships, if you were to acquit this man, would strike against your own dignity, and the very being of the society in which we live.

Your Lordships will find in your printed Minutes, who the jaghirdars were, and what was the amount of their estates. The jaghires of which Mr. Hastings authorized the confiscation, or what he calls a *resumption*, appear from Mr. Purling's account, when first the forced loan was

country, as I have proved this man to have done, if he found the Prince going to do an act which would shake the property of all the nobility of the country, he surely ought to raise his hand and say, " You shall not make my name your " sanction for such an atrocious and abominable " act as this confiscation would be."

Mr. Hastings, however, whilst he gives, with an urbanity for which he is so much praised, his consent to this confiscation, adds, there must be pensions secured for all persons losing their estates, who had the security of our guarantee. Your Lordships know that Mr. Hastings by his guarantee had secured their jaghires to the Nabob's own relations and family. One would have imagined that if the estates of those who were without any security were to be confiscated at his pleasure, those at least who were guaranteed by the Company, such as the Begums of Oude, and several of the principal nobility of the Nabob's family, would have been secure. He indeed says, that pensions shall be given them, for at this time he had not got the length of violating, without shame or remorse, all the guarantees of the Company. There shall, says he, be pensions given. If pensions were to be given to the value of the estate, I ask what has this violent act done? You shake the security of property, and instead of suffering a man to

be the event when such a strange metamorphosis was to be made as that of turning a great landed interest into a pensionary payment. As it could answer no other purpose, so it could be intended for no other than that of getting possession of these jaghires by fraud. This man, my Lords, cannot commit a robbery without indulging himself at the same time in the practice of his favourite arts of fraud and falsehood.

And here I must again remind your Lordships, that at the time of the treaty of Chunar, the jaghires were held in the following manner:—Of the 285,000*l.* a year which was to be confiscated, the old grants of Sujah Dowlah the grandfather of the Nabob, amounted to near two-thirds of the whole, as you will find in the paper to which we refer you. By this confiscation therefore the Nabob was authorized to *resume* grants of which he had not been the grantor.

[Mr. Burke here read the list of the jaghires.]

Now, my Lords, you see that all these estates except 25,782*l.* a year, were either jaghires for the Nabob's own immediate family, settled by his father upon his mother, and by his father's father upon his grandmother, and upon Salar Jung his uncle, or were the property of the most considerable nobility, to the gross amount of 285,000*l.* Mr. Hastings confesses that the Nabob reluctantly

neither of which your Lordships can bear to hear the sound of, to stand equal in point of morality, let us see how they stand in point of calculation. The unexceptionable part of the 285,000 *l.* amounted to 260,000 *l.* a year; whereas, supposing every part of the new grants had been made to the most unworthy persons, it only amounted to 25,000 *l.* a year. Therefore by his own account, given to you and to the Company, upon this occasion, he has confiscated 260,000 *l.* a year, the property of innocent, if not of meritorious individuals, in order to punish by confiscation those who had 25,000 *l.* a year only. This is the account he gives you himself of his honour, his justice, and his policy in these proceedings.

But, my Lords, he shall not escape so. It is in your Minutes, that so far was the Nabob from wishing to save the new exceptionable grants, that at the time of the forced loan I have mentioned, and also when the resumption was proposed, he was perfectly willing to give up every one of them, and desired only that his mother, his uncles, and his relations, with other individuals, the prime of the Mahometan nobility of that country, should be spared. Is it not enough that this poor Nabob, this wretched prince, is made a slave to the man now standing at your bar; that he is made by him a shame and a scandal

acts of the Prisoner; who has recourse to slander and calumny as a proper way to defend violence, outrage, and wrongs.

We have now gone through the first stage of Mr. Hastings's confiscation of the estates of these unhappy people. When it came to be put in execution, Mr. Middleton finds the Nabob reluctant, in the greatest degree, to make this sacrifice of his family, and of all his nobility. It touched him in every way in which shame and sympathy can affect a man. He falls at the feet of Mr. Middleton; he says, I signed the treaty of Chunar upon an assurance that it was never meant to be put in force. Mr. Middleton nevertheless proceeds; he sends the family of the Nabob out of the country; but he entertains fears of a general revolt as the consequence of this tyrannical act, and refers the case back to Mr. Hastings, who insists upon its being executed in its utmost extent. The Nabob again remonstrates in the strongest manner; he begs, he prays, he dissembles, he delays. One day he pretends to be willing to submit, the next he hangs back, just as the violence of Mr. Hastings or his own natural feelings and principles of justice dragged him one way or dragged him another. Mr. Middleton, trembling and under the awe of that *dreadful responsibility*, under which your Lordships may remember Mr. Hast-

ings

" ing, with proper people to see them punctually
" and implicitly carried into execution; but
" before they were all transcribed, I received
" a message from the Nabob, who had been
" informed by the minister of the resolution I
" had taken, intreating that I would withhold
" the perwannahs till to-morrow morning, when
" he would attend me, and afford me satisfac-
" tion on this point. As the loss of a few hours
" in the dispatch of the perwannahs appeared of
" little moment, and as it is possible, the Nabob,
" seeing that the business will at all events be
" done, may make it an act of his own, I have
" consented to indulge him in his request; but
" be the result of our interview whatever it may,
" nothing shall prevent the orders being issued
" to-morrow, either by him or myself, with the
" concurrence of the ministers. Your pleasure
" respecting the Begums, I have learnt from
" Sir Elijah; and the measure heretofore pro-
" posed will soon follow the resumption of the
" jaghires; from both, or indeed from the former
" alone, I have no doubt of the complete liqui-
" dation of the Company's balance."

" Lucknow, the 7th Dec. 1781.

" My dear Sir,—I had the honour to ad-
" dress you yesterday, informing you of the steps
" I had taken in regard to the resumption of
" the

" afterwards sent for his minister, and autho-
" rized him to give me hopes that my requisi-
" tion would be complied with, on which I
" expressed my satisfaction; but declared that
" I could admit of no further delays, and unless
" I received his excellency's formal acquiesence
" before the evening, I should then most assu-
" redly issue my perwannahs, which I have
" accordingly done, not having had any assu-
" rances from his excellency that could justify
" a further suspension. I shall, as soon as
" possible, inform you of the effect of the per-
" wannahs, which, in many parts, I am appre-
" hensive it will be found necessary to enforce
" with military aid; I am not, however, en-
" tirely without hopes that the Nabob, when he
" sees the inefficacy of further opposition, may
" alter his conduct, and prevent the confusion
" and disagreeable consequences which would be
" too likely to result from the prosecution of
" a measure of such importance without his
" concurrence; his excellency talks of going
" to Fyzabad for the purpose heretofore men-
" tioned, in three or four days; I wish he may
" be serious in this intention, and you may rest
" assured I shall spare no pains to keep him
" to it."

" Lucknow,

"months to come, while his resources were "strained to the utmost to furnish jaidads, for "its maintenance to this period. I therefore "hesitate not to declare it utterly impossible "for him, under any circumstances whatever, "to provide funds for the payment of the troops "you now propose to send him.

"The wresting Furruckabad, Kyrague, and "Fyzula Cawn's country from his government "(for in that light, my dear Sir, I can faithfully "assure you, he views the measures adopted in "respect to those countries) together with the "resumption of all the jaghires, so much against "his inclination, have already brought the "Nabob to a persuasion that nothing less than "his destruction, or the annihilation of every "shadow of his power is meant; and all my "labours to convince him to the contrary have "proved abortive. A settled melancholy has "seized him, and his health is reduced beyond "conception; and I do most humbly believe, "that the march of four regiments of sepoys "towards Lucknow, under whatever circum-"stances it might be represented, would be "considered by him as a force ultimately to be "used in securing his person. In short, my "dear Sir, it is a matter of such immediate "moment, and involving, apparently, such very "serious and important consequences, that I

his correspondence with Mr. Middleton, irrefragable proofs that this Nabob, who is stated to have made the proposition himself, was dragged to the signature of it; and that the troops which are supposed, and fraudulently stated (and I wish your Lordships particularly to observe this) to have been sent to assist him in this measure, were considered by him as a body of troops sent to imprison him, and to free him from all the troubles and pains of government.

When Mr. Hastings sent the troops for the purpose, as he pretended, of assisting the Nabob in the execution of a measure which was really adopted in direct opposition to the wishes of that Prince, what other conclusion could be drawn but that they were sent to overawe, not to assist, him. The march of alien troops into a country, upon that occasion, could have no object but hostility; they could have been sent with no other design but that of bringing disgrace upon the Nabob, by making him the instrument of his family's ruin, and of the destruction of his nobility. Your Lordships, therefore, will not wonder that this miserable man should have sunk into despair, and that he should have felt the weight of his oppression doubly aggravated by its coming from such a man as Mr. Hastings, and by its being enforced by such a man as Mr. Middleton.

And here I must press one observation upon your Lordships,—I do not know a greater insult that can be offered to a man born to command, than to find himself made the tool of a set of obscure men, come from an unknown country, without any thing to distinguish them but an usurped power. Never shall I, out of compliment to any persons, because they happen to be my own countrymen, disguise my feelings or renounce the dictates of nature and of humanity. If we send out obscure people, unknowing and unknown, to exercise such acts as these, I must say it is a bitter aggravation of the victim's suffering. Oppression and robbery are at all times evils, but they are more bearable when exercised by persons whom we have been habituated to regard with awe, and to whom mankind for ages have been accustomed to bow.

Now, does the history of tyranny furnish—does the history of popular violence deposing kings, furnish any thing like the dreadful deposition of this prince, and the cruel and abominable tyranny that has been exercised over him? Consider, too, my Lords, for what object all this was done. Was Mr. Hastings endeavouring, by his arbitary interference and the use of his superior power, to screen a people from the usurpation and power of a tyrant; from any strong and violent

violent acts, against property, against dignity, against nobility, against the freedom of his people? No: you see here, a monarch deposed, in effect, by persons pretending to be his allies; and assigning what are pretended to be his wishes, as the motive for using his usurped authority in the execution of these acts of violence, against his own family and his subjects. You see him struggling against this violent prostitution of his authority. He refuses the sanction of his name, which before he had given up to Mr. Hastings, to be used as he pleased, and only begs not to be made an instrument of wrong which his soul abhors, and which would make him infamous throughout the world. Mr. Middleton however assumes the sovereignty of the country. I, he says, am Nabob of Oude: the jaghires shall be confiscated; I have given my orders, and they shall be supported by a military force.

I am ashamed to have so far distrusted your Lordships' honourable and generous feelings, as to have offered you, upon this occasion, any remarks which you must have run before me in making. Those feelings which you have, and ought to have; feelings born in the breasts of all men, and much more in men of your Lordships' elevated rank, render my remarks unnecessary. I need not, therefore, ask what you feel, when

a foreign Resident, at a prince's court, takes upon himself to force that prince to act the part of a tyrant, and, upon his resistance, openly and avowedly assumes the sovereignty of the country. You have it in proof that Mr. Middleton did this. He not only put his own name to the orders for this horrible confiscation, *but he* actually proceeded to dispossess the jaghirdars of their lands, and to send them out of the country. And whom does he send, in the place of this plundered body of nobility, to take possession of the country? Why the usurers of Benares. Yes, my Lords, he immediately mortgages the whole country to the usurers of Benares, for the purpose of raising money upon it; giving it up to those blood-suckers, dispossessed of *that* nobility whose interest, whose duty, whose feelings, and whose habits, made them the natural protectors of the people.

My Lords, we here see a body of usurers put into possession of all the estates of the nobility: let us now see if this act was necessary, even for the avowed purposes of its agents,—the relief of the Nabob's financial difficulties, and the payment of his debts to the Company. Mr. Middleton has told your Lordships, that these jaghires would pay the Company's debt completely in two years. Then, would it not have been better to have left these estates in the hands of

their

their owners, and to have oppressed them in some moderate, decent way? Might they not have left the jaghirdars to raise the sums required, by some settlement with the bankers of Benares, in which the repayment of the money, within five or six years, might have been secured, and the jaghirdars have had, in the mean time, something to subsist upon? O no; these victims must have nothing to live upon. They must be turned out. And why? Mr. Hastings commands it.—Here I must come in aid of Mr. Middleton, a little; for one cannot but pity the miserable instruments that have to act under Mr. Hastings. I do not mean to apologize for Mr. Middleton, but to pity the situation of persons who, being servants of the Company, were converted, by the usurpation of this man, into his subjects and his slaves. The mind of Mr. Middleton revolts. You see him reluctant to proceed. The Nabob begs a respite, You find in the Resident a willingness to comply. Even Mr. Middleton is placable. Mr. Hastings alone is obdurate. His resolution to rob and to destroy was not to be moved, and the estates of the whole Mahometan nobility of a great kingdom were confiscated in a moment. Your Lordships will observe, that his orders to Mr. Middleton allow no forbearance. He writes thus to him:

" aumils, and their wealth in such charge as
" may secure it against private embezzlement.
" You will have a force more than sufficient to
" effect both these purposes.

" The reformation of his army, and the new
" settlement of his revenues, are also points of
" immediate concern, and ought to be imme-
" diately concluded. Has any thing been done
" in either?

" I now demand and require you most so-
" lemnly to answer me. Are you confident in
" your own ability to accomplish all these pur-
" poses, and the other points of my instructions?
" If you reply that you are, I will depart with
" a quiet and assured mind to the presidency,
" but leave you a dreadful responsibility if you
" disappoint me. If you tell me, that you can-
" not rely upon your power, and the other
" means which you possess for performing these
" services, I will free you from the charge. I will
" proceed myself to Lucknow, and I will myself
" undertake them; and in that case, I desire
" that you will immediately order bearers to be
" stationed, for myself and two other gentlemen,
" between Lucknow and Illahabad, and I will
" set out from hence in three days after the
" receipt of your letter.

" I am sorry that I am under the necessity
" of writing in this pressing manner. I trust

" implicitly

manner in which he prepares to meet them. I must get money. I must carry with me that great excuse for every thing, that salve for every sore, that expiation for every crime; let me provide that all is well. You Mr. Middleton try your nerves; are you equal to these services; examine yourself; see what is in you; are you man enough to come up to it, says the great robber to the little robber—says Roland the great to his puny accomplice—are you equal to it? Do you feel yourself a man? If not, send messengers and *dawks* to me, and I the great master tyrant will come myself, and put to shame all the paltry, delegate tools of despotism, that have not edge enough to cut their way through, and do the services I have ordained for them.

I have already stated to your Lordships his reason and motives for this violence, and they are such as aggravated his crime by attempting to implicate his country in it. He says he was afraid to go home without having provided for the payment of the Nabob's debt; afraid of what? Was he afraid of coming before a British tribunal, and saying,—through justice, through a regard for the rights of an allied sovereign, through a regard to the rights of his people, I have not got so much as I expected? Of this no man could be afraid. The Prisoner's fear had another origin. I have failed, says he to himself,

jaghirdars? I suppose your Lordships are not idle enough to put that question to us—No compensation, no consideration was given or stipulated for them. If there had been any such thing, the Prisoner could have proved it. He would have proved it. The means were easy to him, but we have saved him the trouble of the attempt. We have proved the contrary, and, if called upon, we will shew you the place where this is proved.

I have now shewn your Lordships how Mr. Hastings, having with such violent and atrocious circumstances usurped the government of Oude, (I hope I need not use any farther proof that the Nabob was in effect non-existent in the country,) treated all the landed property; the next question will be, How has he treated whatever monied property was left in the country? My Lords, he looked over that immense waste of his own creating, not as Satan viewed the kingdoms of the world and saw the power and glory of them; but he looked over the waste of Oude, with a diabolical malice, which one could hardly suppose existed in the prototype himself. He saw no where above ground one single shilling, that he could attach; no not one; every place had been ravaged, no money remained in sight; but possibly some might be buried in vaults, hid from the gripe of tyranny

and

see a desire, obliquely expressed, to get the landed estates of all these great families. But even while he was meeting with such reluctance in the Nabob upon this point, and though he also met with some resistance upon the part even of Mr. Middleton, Mr. Hastings appears to have given him in charge some other still more obnoxious and dreadful acts. "While I was me-"ditating," says Mr. Middleton, in one of his letters, upon this, [the resumption of the Jaghires] "your orders came to me through Sir Elijah "Impey." What these orders were, is left obscure in the letter: it is yet but as in a mist or cloud. But it is evident that Sir Elijah Impey did convey to him some project for getting at more wealth by some other service, which was not to supersede the first, but to be concurrent with that upon which Mr. Hastings had before given him such dreadful charges, and had loaded him with such horrible responsibility. It could not have been any thing but the seizure of the Begum's treasures. He thus goaded on two reluctant victims, first the reluctant Nabob, then the reluctant Mr. Middleton, forcing them with the bayonet behind them, and urging on the former, as at last appears, to violate the sanctity of his mother's house.

Your Lordships have been already told by one of my able Fellow-managers, that Sir Elijah Impey

were their property. This is the Nabob, who is now represented by Mr. Hastings and his counsel, to have become the instrument of destroying his mother, and grandmother, and every thing else, that ought to be dear to mankind, throughout the whole train of his family.

Mr. Hastings having resolved to seize upon the treasures of the Begums, is at a loss for some pretence of justifying the act. His first justification of it is on grounds which all tyrants have ready at their hands. He begins to discover a legal title to that of which he wished to be the possessor; and on this title sets up a claim to these treasures. I say Mr. Hastings set up this claim, because by this time I suppose your Lordships will not bear to hear the Nabob's name on such an occasion. The Prisoner pretended, that by the Mahometan law, these goods did belong to the Nabob; but whether they did or did not, he had himself been an active instrument in the treaty for securing their possession to the Begums; a security which he attempts to unlock by his constructions of the Mahometan law. Having set up this title, the guarantee still remained, and how is he to get rid of that? In his usual way. You have rebelled; you have taken up arms against your own son (for that is the pretext) and therefore my guarantee is gone, and your goods, whether

and mother have robbed the son, and kept him out of his rightful inheritance. They then produce the Hedaya to show you what proportion of the goods of a Mussulman when he dies goes to his family, and here certainly there is a question of law to be tried; but Mr. Hastings is a great eccentric genius, and has a course of proceeding of his own; he first seizes upon the property and then produces some Mahometan writers to prove that it did not belong to the persons who were in possession of it. You would naturally expect that when he was going to seize upon those goods, he would have consulted his Chief Justice, for as Sir Elijah Impey went with him, he might have consulted him; and have thus learnt what was the Mahometan law. For though Sir Elijah had not taken his degree at a Mahometan college; though he was not a Mufti or a Molavie, yet he had always Muftis and Molavies near him, and he might have consulted them. But Mr. Hastings does not even pretend that such consultations or conferences were ever had. If he ever consulted Sir Elijah Impey, where is the report of the case, when were the parties before him? Where are the opinions of the Molavies? Where is the judgment of the Chief Justice? Was he fit for nothing, but to be employed as a messenger, as a common tipstaff? Was he not fit to try these

rights or to decide upon them? He has told you here indeed negatively, that he did not know any title Mr. Hastings had to seize upon the property of the Begums, except upon his hypothesis of the rebellion. He was asked, if he knew any other. He answered no. It consequently appears, that Mr. Hastings, *though* he had before him his doctors of all laws, who could unravel for him all the enigmas of all the laws in the world, and who had himself shone upon questions of Mahometan law, in the case of the Nudea Begum; did not dare to put this case to Sir Elijah Impey, and ask what was his opinion concerning the rights of these people; he was tender, I suppose, of the reputation of the Chief Justice. For Sir Elijah Impey, *though* a very good man to write a letter, or take an affidavit in a corner, or run on a message, to do the business of an under-sheriff, tipstaff, or bum-bailiff, was not fit to give an opinion on a question of Mahometan law.

You have heard Ali Ibrahim Khan referred to; this Mahometan lawyer, was carried by Mr. Hastings up to Benares, to be a witness of the vast good he had done in that province, and was made Chief Justice there. All indeed, that we know of him, except the high character given of him by Mr. Hastings, is, I believe, that he is the Ali Ibrahim Khan, whom in the Company's records I find

I find mentioned as a person giving bribes upon some former occasion to Mr. Hastings; but whatever he was besides, he was a doctor of the Mahometan law, he was a Mufti, and was made by Mr. Hastings the principal judge in a criminal court, exercising (as I believe) likewise a considerable civil jurisdiction, and therefore he was qualified as a lawyer; and Mr. Hastings cannot object to his qualifications either of integrity or of knowledge. This man was with him. Why did not he consult him upon this law? Why did he not make him out a case of John Doe and Richard Roe, of John Stokes and John a Nokes? Why not say Sinub possesses such things, under such and such circumstances, give me your opinion upon the legality of the possession. No; he did no such thing.

Your Lordships, I am sure, will think it a little extraordinary, that neither this Chief Justice made by himself, nor that other Chief Justice whom he led about with him in a string; the one an English Chief Justice, with a Mahometan suit, in his court; the other a Mahometan Chief Justice of the country; that neither of them was consulted as lawyers by the Prisoner. Both of them were indeed otherwise employed by him. For we find Ali Ibrahim Khan employed in the same subservient capacity in which Sir Elijah Impey was; in order, I suppose, to keep the law

of England and the law of Mahomet upon a just par; for upon this equality Mr. Hastings always values himself. Neither of these two Chief Justices, I say, was ever consulted, nor one opinion taken; but they were both employed in the correspondence and private execution of this abominable project, when the Prisoner *himself* had not either leisure or perhaps courage to give his publick order in it till things got to greater ripeness.

To Sir Elijah Impey, indeed, he did put a question; and, upon my word, it did not require an Oedipus or a Sphinx to answer it. Says he, I asked Sir Elijah Impey.—What? a question on the title between the Nabob and his mother? No such thing. He puts an hypothetical question. Supposing, says he, a rebellion to exist in that country; will the Nabob be justified in seizing the goods of the rebels? That is a question decided in a moment; and I must have a malice to Sir Elijah Impey, of which I am incapable, to deny the propriety of his answer. But observe, I pray you, my Lords, there *is* something peculiarly good and correct in it; he does not take upon him to say one word of the actual existence of a rebellion, though he was at the time in the country, and if there had been any, he must have been a witness to it: but so chaste was his character as a judge, that he would *not*

touch upon the juries office. I am Chief Justice here, says he, though a little wandering out of my orbit; yet still the sacred office of justice is in me. Do you take upon you the fact; I find the law. Were it not for this sacred attention to separate jurisdictions, he might have been a tolerable judge of the fact. Just as good a judge as Mr. Hastings; for neither of them knew it any other way, as it appears afterwards, but by rumour and reports;—reports, I believe, of Mr. Hastings's own raising; for I do not know that Sir Elijah Impey had any thing to do with them.

But to proceed. With regard to the title of these ladies, according to the Mahometan law; —you have nothing laid before you by the Prisoner's counsel, but a quotation cut out with the scissars from a Mahometan law book (which I suspect very much the learned gentlemen have never read through) declaring how a Mahometan's effects are to be distributed. But Mr. Hastings could not, at the time, have consulted that learned counsel who now defends him upon the principles of the Hedaya, the Hedaya not having been then published in English; and I will venture to say, that neither Sir Elijah Impey, nor Ali Ibrahim Khan, nor any other person, high or low, in India, ever suggested this defence; and that it was never thought of, till

lately found by the learned counsel in the English translation of the Hedaya. God bless me! now says Mr. Hastings. What ignorance have I been in all this time! I thought I was seizing this unjustly, and that the pretence of rebellion was necessary; but my counsel have found out a book, since published, and from it they produce the law upon that subject, and shew that the Nabob had a right to seize upon the treasures of his mother. But are your Lordships so ignorant—your Lordships are not ignorant of any thing,—are any men so ignorant as not to know, that in every country the common law of distribution of the estate of an intestate amongst private individuals, is no rule with regard to the family arrangements of great princes. Is any one ignorant, that from the days of the first origin of the Persian monarchy, the laws of which have become rules ever since for almost all the monarchs of the east, the wives of great men have had, independent of the common distribution of their goods, great sums of money and great estates in land, one for their girdle, one for their veil, and so on, going through the rest of their ornaments and attire; and that they held great estates and other effects, over which the reigning monarch or his successor had no controul whatever. Indeed, my Lords, a more curious and extraordinary species of trial than this

this of a question of right, never was heard of since the world began. Mr. Hastings begins with seizing the goods of the Begums at Fyzabad, nine thousand miles from you, and fourteen years after tries the title in an English court, without having one person to appear for these miserable ladies. I trust you will not suffer this mockery. I hope this last and ultimate shame will be spared us: for, I declare to God, that the defence, and the principles of it, appear to me ten thousand times worse than the act itself.

Now, my Lords, this Criminal, through his counsel, chooses with their usual flippancy to say, that the Commons have been *cautious* in stating this part of the Charge, knowing that they were on tender ground, and therefore did not venture to say *entitled*, but *possessed* of only. A notable discovery indeed! We are as far from being taken in by such miserable distinctions as we are incapable of making them. We certainly have not said that the Begums were entitled to, but only that they were possessed of certain property. And we have so said because we were not competent to decide upon their title; because your Lordships are not competent to decide upon their title; because no part of this tribunal is competent to decide upon their title. You have not the parties before you; you

you have not the cause before you, but are getting it by oblique, improper, and indecent means. You are not a court of justice, to try that question. The parties are at a distance from you. They are neither present themselves, nor represented by any counsel, advocate, or attorney: and I hope no House of Lords will ever judge and decide upon the title of any human being, much less upon the title of the first women in Asia, sequestered, shut up from you, at nine thousand miles distance.

I believe, my Lords, that the Emperor of Hindostan little thought, while Delhi stood, that an English subject of Mr. Hastings's description should domineer over the Vizier of his empire, and give the law to the first persons in his dominions. He as little dreamed of it as any of your Lordships now dream, that you shall have your property seized by a delegate from Lucknow, and have it tried by what tenure a peer or peeress of Great Britain hold, the one his estate, and the other her jointure, dower, or her share of goods, her paraphernalia, in any court of Adawlet in Hindostan. If any such thing should happen, —for we know not what may happen; we live in an age of strange revolutions, and I doubt whether any more strange than this,—the Commons of Great Britain would shed their best blood sooner than suffer that a tribunal at Lucknow should

should decide upon any of your titles, for the purpose of justifying a robber, that has taken your property. We should do the best we could, if such a strange circumstance occurred.

The House of Commons, who are virtually the representatives of Lucknow, and who lately took 500,000*l.* of their money, will not suffer the natives first to be robbed of their property, and then the titles, which, by the laws of their own country, they have to the goods they possess, to be tried by any tribunal in Great Britain. Why was it not tried in India before Mr. Hastings? One would suppose that an English governour, if called to decide upon such a claim of the Nabob's, would doubtless be attended by judges, mufti's, lawyers, and all the apparatus of legal justice.—No such thing: this man marches into the country, not with molavies, not with mufti's, not with the solemn apparatus of Oriental justice:—no; he goes with colonels and captains, and majors: these are his lawyers; and when he gets there, he demands from the parties, not their title. —No: give me your money, is his cry. It is a shame, (and I will venture to say, that these gentlemen, upon recollection, will feel ashamed) to see the bar justify what the sword is ashamed of. In reading this correspondence, I have found these great mufti's and lawyers, these great chief justices, attornies general and solicitors

citors general, called colonels and captains, ashamed of these proceedings, and endeavouring to mitigate their cruelty; yet we see British lawyers in a British tribunal supporting and justifying these acts, on the plea of defective titles.

The learned Counsel asks, with an air of triumph, whether these ladies possessed *these* treasures by jointure, dower, will, or settlement. What was the title? Was it a deed of gift—was it a devise—was it *donatio causa mortis*—was it dower—was it jointure—What was it? To all which senseless and absurd questions we answer, You asked none of these questions of the parties, when you guaranteed to them, by a solemn treaty, the possession of their goods. Then was the time to have asked these questions: but you asked none of them. You supposed *their right*, and you guaranteed it, though you might then have asked—what was there right. But besides the force and virtue of the guarantee, these unhappy princesses had ransomed themselves from any claim upon their property. They paid a sum of money, applied to your use, for *that* guarantee. They had a treble title—by possession, by guarantee, by purchase.

Again; did you ask these questions when you went to rob them of their landed estates, their money, their ornaments, and even their wearing apparel? When you sent those great lawyers, major

major—major—and the other majors, and colonels, and captains, did you call on them to exhibit their title deeds? No—with a pistol at their breast, you demanded their money. Instead of forging a charge of rebellion against these unhappy persons, why did you not then call on them for their vouchers? No rebellion was necessary to give validity to a civil claim. What you could get by an ordinary judgment, did not want confiscation called to its aid. When you had their eunuchs, their ministers, their treasurers, their agents, and attornies in irons, did you then ask any of these questions? No—Discover the money you have in trust, or *you* go to corporal punishment—*you* go to the castle of Chunar—here is another pair of irons—this was the only language used.

When the Court of Directors, alarmed at the proceedings against these ancient ladies, ordered their Indian Government to make an inquiry into their conduct, the Prisoner had then an opportunity, and a duty imposed upon him, of entering into a complete justification of his conduct; he might have justified it by every civil, and by every criminal mode of process. Did he do this? No—Your Lordships have in evidence the manner, equally despotick, *rebellious*, insolent, fraudulent, tricking and evasive, by which he positively refused all inquiry into the matter.

How

How stands it now, more than twelve years after the seizure of their goods—at ten thousand miles distance? You ask of these women, buried in the depths of Asia, secluded from human commerce, what is their title to their estate. Have you the parties before you? have you summoned them? where is their attorney? where is their agent? where is their counsel? Is this law? Is this a legal process? Is this a tribunal—the highest tribunal of all—that which is to furnish the example for, and to be a controul on all the rest? But what is worse, you do not come *directly* to the trial of this right to property. You are desired to surround and circumvent it; you are desired obliquely to steal an iniquitous judgment, which you dare not boldly ravish. At this judgment you can only arrive by a side wind. You have before you a criminal process against an offender;—one of the charges against him is, that he has robbed matrons of high and reverend place. His defence is, that they had not the apt deeds to entitle them in law to this property. *In* this cause, with only the delinquent party before you, you are called upon to try their title on his allegations of its invalidity, and by acquitting him to divest them not only of their goods, but of their honour; to call them disseizors, wrong doers, cheats, defrauders of their own son. No hearing for them, no pleading, all appeal cut off.

Was

Was ever a man, indicted for a robbery, that is, for the forcible taking of the goods possessed by another, suffered to desire the prosecutor to shew the deeds, or other instruments, by which he acquired those goods? The idea is contemptible and ridiculous. Do these men dream? Do they conceive, in their confused imaginations, that you can be here trying such a question, and venturing to decide upon it? Your Lordships will never do that, which if you did do, you would be unfit to subsist as a tribunal for a single hour; and if we, on our part, did not bring before you this attempt, as the heaviest aggravation of the Prisoner's crimes, we should betray our trust, as representatives of the Commons of Great Britain. Having made this protest, in favour of law, of justice, and good policy, permit me to take a single step more.

I will now shew your Lordships that it is very possible, nay very probable, and almost certain, that a great part of what these ladies possessed was a saving of their own, and independent of any grant. It appears in the papers before you, that these unfortunate ladies had about 70,000*l.* a-year, landed property. Mr. Bristow states in evidence before your Lordships, that their annual expences did not exceed a lack and a half, and that their income was about seven lacks; that they had possessed this for twenty years before the

Mr. Hastings, his despotick master, could never get him regularly and systematically to make such a claim; the very reverse of this is the truth; when urged on to the commission of these acts of violence by Mr. Middleton, you have seen with what horrour, and how reluctantly he lends his name, and when he does so, he is dragged like a victim to the stake. At the beginning of this affair, where do we find that he entered this claim, as the foundation of it. Upon one occasion only, when dragged to join in this wicked act, something dropped from his lips which seemed rather to have been forced into his mouth, and which he was obliged to spit out again, about the possibility that he might have had some right to the effects of the Begums.

We next come to consider the manner in which these acts of violence were executed. They forced the Nabob himself to accompany their troops, and their Resident Mr. Middleton to attack the city and to storm the fort in which these ladies lived, and consequently to outrage their persons, to insult their character, and to degrade their dignity, as well as to rob them of all they had.

That your Lordships may learn something of one of these ladies called the Munny Begum, I will refer you to Major Brown's evidence; a man who was at Delhi, the fountain head of all

empire. Now the Mogul empire, when this woman came into the world, was an empire of that dignity, that kings were its subjects; and this very Mirza Shuffee Khan, that we speak of, her near relation, was then a prince with a million a-year revenue; and a man of the first rank, after the Great Mogul, in the whole empire.

My Lords, these were people that ought to have been treated with a little decorum. When we consider the high rank of their husbands, their fathers, and their children; a rank so high, that we have nothing in Great Britain to compare with theirs; we cannot be surprised that they were left in possession of great revenues, great landed estates, and great monied property. All the female parts of these families, whose alliance was, doubtless, much courted, could not be proffered in marriage, and endowed in a manner agreeably to the dignity of such persons, but with great sums of money; and your Lordships must also consider the multitude of children of which these families frequently consisted. The consequences of this robbery were such as might naturally be expected. It is said, that not one of the females of this family has since been given in marriage.

But all this has nothing to do with the rebellion. If they had, indeed, rebelled to cut their

settled, are supposed to guard both the honour of the women, and their treasures, with more fidelity than other persons would do. We know, that in Constantinople, and in many other places these persons enjoy offices of the highest trust, and are of great rank and dignity; and this dignity and rank they possess for the purpose of enabling them to fulfil their great trusts more effectually. The two principal eunuchs of the Begums were Jowar and Behar Ali Khan, persons of as high rank and estimation as any people in the country. These persons, however, were seized, not, says Mr. Hastings, for the purpose of extorting money, as assumed in the Charge, but as agents and principal instruments of exciting the insurrection before alluded to, &c. Mr. Hastings declares, that they were not seized for the purpose of extorting money; but that they were seized in order to be punished for their crimes, and, *eo nomine*, for this crime of rebellion. Now this crime could not have been committed immediately by women themselves; for no woman can come forward, and head her own troops. We have not heard that any woman has done so since the time of Zenobia, in another part of the east; and we know that in Persia, no person can behold the face of a woman of rank, or speak to females of condition, but through a curtain; therefore they could not go

" inform you, that we have at length so far
" obtained the great object of our expedition to
" this place, as to commence on the receipt of
" money, of which, in the course of this day, we
" have got about six lacks. I know not yet
" what amount we shall actually realize, but I
" think I may safely venture to pronounce, it
" will be equal to the liquidation of the Com-
" pany's balance. It has been at once the most
" important and the most difficult point of duty
" which has ever occurred in my office; and
" the anxiety, the hopes, and fears, which have
" alternately agitated my mind, cannot be de-
" scribed or conceived but by those who have
" been witness to what has passed in the course
" of this long contest. The [Nabob's] ministers
" have supported me nobly, and deserve much
" commendation. Without the shrewd discern-
" ment and knowledge of the finesse and tricks
" of the country which Hyder Beg Khan pos-
" sesses, I believe we should have succeeded
" but indifferently; for I soon found that no
" real advantage was to be obtained by proceed-
" ing at once to violent extremities with the
" Begum, and that she was only to be attacked
" through the medium of her confidential ser-
" vants, who it required considerable address to
" get hold of. However, we at last effected it;
" and by using some few severities with them,

has got the least proof of the want of title in those ladies: not a word of the kind. You cannot help observing the soft language used in this tender billet-doux between Mr. Middleton and Sir Elijah Impey. You would imagine that they were making love, and that you heard the voice of the turtle in the land. You hear the soft cooing, the gentle addresses. Oh, my hopes to-day, my fears to-morrow, all the language of friendship almost heightened into love; and it comes at last to "*I have got at the secret hoards* "*of these ladies.*" Let us rejoice, my dear Sir Elijah; this is a day of rejoicing; a day of triumph; and this triumph we have obtained by seizing upon the old lady's eunuchs, in doing which, however, we found a great deal of difficulty. You would imagine from this last expression, that it was not two eunuchs, with a few miserable women clinging about them, that they had to seize, but that they had to break through all the guards which we see lovers sometimes breaking through, when they want to get at their ladies. Hardly ever did the beauty of a young lady excite such rapture; I defy all the charms this country can furnish, to produce a more wonderful effect than was produced by the hoards of these two old women, in the bosoms of Sir Elijah Impey and Mr. Middleton "We have "got," he exultingly says, "we have got to "the

" the secret hoards of this old lady;" and I verily believe, there never was a passion less dissembled; there nature spoke; there was truth triumphant, honest truth. Others may feign a passion; but nobody can doubt the raptures of Mr. Hastings, Sir Elijah Impey, and Mr. Middleton.

My Lords, one would have expected to have found here something of their crimes; something of their rebellion, for he talks of a few " necessary severities." But no; you find the real criminal, the real object was the secret hoards of the old ladies. It is true *a few severities* were necessary to obtain that object; however they did obtain it. How then did they proceed?—First, they themselves took and received, in weight and tale, all the money that was in the place, I say *all*, for whether there was any more, they never have discovered, with all their search, from that day to this. Therefore we fairly presume, that they had discovered all that there was to discover, with regard to money. They next took, from these unfortunate people, an engagement for the amount of treasure, at a definite sum, without knowing whether they had it or not; whether they could procure it or not. The Bow Begum has told us, as your Lordships have it in evidence, that they demanded from her a million of money; that she, of course, denied

denied having any such sums; but Mr. Middleton forced her unfortunate eunuchs or treasurers, by some *few severities* to give their bond for 600,000 *l.*

You would imagine, that when these eunuchs had given up all that was in their power, when they had given a bond for what they had not (for they were only the treasurers of other people) that the bond would not have been rigidly exacted. But what do Mr. Hastings and Mr. Middleton as soon as they get their plunder? they went to their own assay-table, by which they measured the rate of exchange between the coins in currency at Oude and those at Calcutta, and add the difference to the sum for which the bond was given. Thus they seize the secret hoards; they examine it as if they were receiving a debt; and they determine what this money would and ought to produce at Calcutta: not considering it as coming from people who gave all they had to give, but as what it would produce at the mint at Calcutta, according to a custom made for the profit of the Residents; even though Mr. Hastings, upon another occasion, charged upon Mr. Bristow as a crime, that he had made that profit. This money, my Lords, was taken to that assay-table, which they had invented for their own profit, and they made their victims pay a rupee and a half batta, or exchange

exchange of money, upon each gold mohur; by which, and other charges, they brought them 60,000 *l.* more in debt; and forced them to give a bond for that 60,000 *l.*

Your Lordships have seen in what manner these debts were contracted; and that they were contracted by persons engaging, not for themselves, for they had nothing; all their property was, apparently, their mistresses. You will now see in what manner the payment of them was exacted, and we shall beg leave to read to you their own accounts of their own proceedings. Your Lordships will then judge whether they were proceeding against rebels as rebels, or against wealthy people as wealthy people, punishing them under pretence of crimes, for their own profit.

In a letter from Mr. Middleton to Mr. Hastings, after two other paragraphs, he goes on thus:—"It remained only to get possession of "her wealth; and to effect this, it was then, "and is still my firm and unalterable opinion, "that it was indispensably necessary to employ "temporizing expedients, and to work upon the "hopes and fears of the Begum herself, and "more especially upon those of her principal "agents, through whose means alone there ap-"peared any probable chance of our getting "access to the hidden treasures of the late "Vizier; and when I acquaint you, that by far

"the

" the greatest part of the treasure which has
" been delivered to the Nabob, was taken from
" the most secret recesses in the houses of the
" two eunuchs, whence, of course, it could not
" have been extracted without the adoption of
" those means which could induce the discovery,
" I shall hope for your approbation of what I
" did; I must also observe, that no further
" rigour than that which I exerted could have
" been used against females in this country, to
" whom there can be no access; the Nabob and
" Solar Jung were the only two that could
" enter the Zenana; the first was a son, who
" was to address a parent; and, of course,
" could use no language or action but that of
" earnest and reiterated solicitation; and the
" other was, in all appearance, a traitor to our
" cause. Where force could be employed it
" was not spared; the troops of the Begum
" were driven away and dispersed; their guns
" taken; her fort, and the outward walls of her
" house seized and occupied by our troops, at
" the Nabob's requisition, and her chief agents
" imprisoned and put in irons. No further step
" was left. And in this situation they still
" remain, and are to continue (excepting only
" a remission of the irons) until the final liqui-
" dation of the payment; and if then you deem
" it proper, no possible means of offence being
" left

" left in her hands, or those of her agents, all " her lands and property having been taken, I " mean, with your sanction, to restore her " house and servants to her, and hope to be " favoured with your early reply, as I expect " that a few days will complete the final sur- " render of all that is further expected from the " Begum."

There are some things in this letter which I shall beg your Lordships to remark;—there is mention made of a few preliminary severities used by Mr. Middleton, in order to get at their money; well, he did get at the money, and he got a bond for the payment of an additional sum, which they thought proper to fix at about six hundred thousand pounds, to which was added another usurious bond for sixty thousand; and in order to extort these forced bonds, and to make up their aggravated crimes of usury, violence, and oppression, they put these eunuchs into prison, without food and water, and loaded their limbs with fetters:—this was their second imprisonment; and what followed these few severities, your Lordships will remark—still more severities. They continued to persecute, to oppress, to work upon these men, by torture, and by the fear of torture; till at last, having found that all their proceedings were totally ineffectual,

ineffectual, they desire the women to surrender their house; though it is in evidence before you, that to remove a woman from her own house to another house, without her consent, is an outrage of the greatest atrocity, on account of which many women have not only threatened; but have actually put themselves to death. Mr. Hastings, himself, in the case of Munny Begum, had considered such a proposition as the last degree of outrage that could be offered. These women offered to go from house to house, while their residence was searched; but, no, say their tormentors, the treasure may be bricked up in so large a house in such a manner that we cannot find it.

But to proceed with the treatment of these unfortunate men. I will read to your Lordships a letter of Mr. Middleton to Captain Leonard Jaques, commanding at Fyzabad; 18th March 1782.

" Sir,—I have received your letter of the " 13th instant; the two prisoners, Behar and " Jewar Ali Khan, having violated their written " solemn engagement with me, for the payment " of the balance due to the Honourable Com- " pany, on the Nabob's assignments, accepted by " them, and declining giving me any satisfactory

" assurances

second, a bond for 60,000 *l.*; the third was intended to extort the payment of these bonds, and completed their series.

I will now read a letter from Captain Jaques to Mr. Middleton, from the printed Minutes; dated Palace, Fyzabad, May 18th, 1782, consequently written nearly a month after the former.

" Sir,—The prisoners Behar and Jewar Ali " Khan, who seem to be very sickly, have re- " quested their irons might be taken off for a " few days, that they might take medicine, and " walk about the garden of the place where they " are confined, to assist the medicine in its " operation. Now, as I am sure they would be " equally as secure without their irons as with " them, I think it my duty to inform you of " this request, and desire to know your plea- " sure concerning it.

(signed) " *Leonard Jaques.*"

On the 22d May 1782, Captain Jaques's humane proposal is thus replied to by Mr. Middleton:—" I am sorry it is not in my power to " comply with your proposal of easing the pri- " soners for a few days of their fetters. Much " as my humanity may be touched by their suf-

" ferings, I should think it inexpedient to afford " them any alleviation, while they persist in a " breach of their contract with me; and indeed " no indulgence could be shewn them without " the authority of the Nabob, who, instead of " consenting to moderate the rigours of their " situation, would be most willing to multiply " them.

(signed) " *Nathaniel Middleton.*"

I will now call your Lordships' attention to other letters, connected with this transaction.

Letter from Major Gilpin to Mr. Middleton, June 5th, 1782.

" Sir,—Agreeably to your *instructions*, I " went to the prisoners, Behar and Jewar Ali " Khan, accompanied by Hoolas Roi, who read " the papers respecting the balance now due, " &c. &c.

" In general terms they expressed concern " at not being able to discharge the same with- " out the assistance of the Begum, and requested " indulgence to send a message to her on that " subject, and in the evening they would give " an answer.

" I went at the time appointed for the " answer, but did not receive a satisfactory one;

" in

" in consequence of which I desired them to be
" ready, at the shortest notice, to proceed to
" Lucknow; and explained to them every par-
" ticular contained in your letter of the 1st
" instant respecting them.

" Yesterday morning I sent for Lataffit Ali
" Khan, and desired him to go to the Bow
" Begum, and deliver the substance of my
" instructions to her, which he did, and re-
" turned with the enclosed letter from her.
" From some circumstances, which I have heard
" to-day, I am hopeful the prisoners will soon
" think seriously of their removal, and pay the
" balance rather than submit themselves to an
" inconvenient journey to Lucknow."

To Major Gilpin commanding at Fyzabad, from Mr. Middleton:—" Sir, I have been fa-
" voured with your letter of the fifth instant,
" informing me of the steps you had taken, in
" consequence of my instructions of the first,
" and covering a letter from the Bow Begum,
" which is so unsatisfactory, that I cannot
" think of returning an answer to it. Indeed,
" as all correspondence between the Begum and
" me has long been stopped, I request you will
" be pleased to inform her that I by no means
" wish to resume it, or maintain any friendly

" intercourse with her, until she has made good " my claim upon her for the balance due.

" I have now, in conformity to my former " instructions, to desire that the two prisoners, " Behar and Jewar Ali Khan, may be imme- " diately sent, under a sufficient guard to Luck- " now, unless, upon your imparting to them " this intimation, either they or the Begum " should actually pay the balance, or give you " such assurances or security for the assets to " be immediately forthcoming, as you think can " be relied upon; in which case you will of " course suspend the execution of this order."

Mr. Richard Johnson to Major Gilpin; Lucknow, 24th June 1782:—" Sir, I have received " the honour of your letter of the 20th. The " prisoners arrived here this morning; Lieute- " nant Crow has delivered them over to Captain " Waugh, and returns to you in a day or two.

" I think their hint to you a very good one, " and worth improving upon; was the Bow " Begum to think that she must go to Allaha- " bad, or any other place, while her palace is " searched for the hidden treasure of the late " Vizier; it might go further than any other step " that can be immediately taken towards pro- " curing payment of the balance outstanding.

" The

" The prisoners are to be threatened with " severities to-morrow, to make them discover " where the balance may be procurable, the " fear of which may possibly have a good effect; " and the apprehensions of the Begum, lest they " should discover the hidden treasure, may " induce her to make you tenders of payment, " which you may give any reasonable encourage- " ment to promote that may occur to you.

" The jaghire cannot be released to her on " any other terms, nor even to the Nabob, until " the five lacks for which it was granted be " paid up; and the prisoners must also be de- " tained until the full fifty lacks be liquidated; " consequently nothing but the fear of an in- " crease of demand, upon breach of the first " engagement on her part, will induce her to " prompt payment."

Letter from Mr. Richard Johnson to the commanding officer of the guard; Lucknow, 23d July 1782:—" Sir, Some violent demands " having been made for the release of the pri- " soners, it is necessary that every possible pre- " caution be taken for their security. You will " therefore be pleased to be very strict in " guarding them; and I herewith send another " pair of fetters, to be added to those now upon " the prisoners."

" whose command were the sepoys?—*A.* That " they were brought in by. *Q.* Yes?—*A.* I do not " recollect. *Q.* Were those sepoys, that brought " in the prisoners, part of the Nabob's army, or " were they any British troops?—*A.* To the " best of my recollection, they were detached " from a regiment then stationed at Fyzabad. " *Q.* In whose service was that regiment?— " *A.* In the Company's. *Q.* Were they im- " prisoned in any house near that in which you " resided?—*A.* They were imprisoned imme- " diately under the window of the house in which " I resided, close to it. *Q.* Did you, or did you " not ever see any preparations made for any " corporal punishment?—*A.* I saw something " of a scaffolding. *Q.* For what purpose?—*A.* I " heard it was for the purpose of tying them " up. *Q.* Whose prisoners did you consider " these men to be?—*A.* I considered them as " prisoners of the Resident; they were close to " his house, and under an European officer."

Your Lordships have now seen the whole process, except one dreadful part of it, which was the threatening to send the Begum to the castle at Chunar. After all these cruelties, after all these menaces of further cruelties, after erecting a scaffold for actually exercising the last degree of criminal punishment, namely, by

persons that the Prisoner used to disgrace the British name. Who are the officers that stormed their fort? who put on the irons? who sent them? who supplied them? They are all, all English officers. There is not an appearance, even of a minister of the Nabob's, in the whole transaction. The actors are all Englishmen; and we, as Englishmen, call for punishment upon those who have thus degraded and dishonoured the English name.

We do not use torture or cruelties, even for the greatest crimes, but have banished them from our courts of justice; we never suffer them in any case. Yet those men, in order to force others to break their most sacred trust, inflict tortures upon them. They drag their poor victims, from dungeon to dungeon, from one place of punishment to another; and wholly on account of an extorted bond, for they owed no money, they could not owe any, but to get this miserable balance of 60,000 *l.* founded upon their tables of exchange; after they had plundered these ladies of 500,000 *l.* in money, and 70,000 *l.* a year in land, they could not be satisfied without putting usury and extortion upon tyranny and oppression. To enforce this unjust demand, the miserable victims were imprisoned, ironed, scourged, and at last threatened to be sent prisoners to Chunar. This menace succeeded.

they had themselves received the money in tale at their own assay table; and when an account is demanded of the produce of the goods, they shrink from it, and say it was Hyder Beg Khan who received the things, and sold them. Where is Hyder Beg Khan's receipt? The Begums say, (and the thing speaks for itself) that even gold and jewels coming from them lost their value; that part of the goods were spoilt, being kept long unsold in damp and bad warehouses; and that the rest of the goods were sold, as thieves sell their spoil, for little or nothing. In all this business, Mr. Hastings and Mr. Middleton were themselves the actors, chief actors; but now when they are called to account, they substitute Hyder Beg Khan, in their place, a man that is dead and gone; and you hear nothing more of this part of the business.

But the sufferings of these eunuchs did not end here; they were, on account of this odd 5,000 *l.* confined for twelve months, not prisoners at large, like this Prisoner who thrusts his sore leg into your Lordship's faces every day, but in harsh and cruel confinement. These are the persons that I feel for. It is their dungeon, it is their unrevenged wrongs that move me. It is for these innocent, miserable, unhappy men, who were guilty of no offence but fidelity to their mistresses, in order to vex and torture whom

after having received this letter from Mr. Bristow, gets the supreme Council to order these very severities to be continued, till the last farthing was paid. In order to induce the Council to sanction this measure, he suppressed Mr. Bristow's declaration—that severities could do nothing more in exacting further payments; and the Resident, I find, was afterwards obliquely punished for his humanity by Mr. Hastings.

Mr. Bristow's letter is dated the 12th of December, and he thus writes:—

"The battalion at Fyzabad [where the "Begums and their ministers had been con-"fined] is recalled, and my letter to the Board "of the first instant, has explained my conduct "to the Begum. The letter I addressed her, "a translation of which I beg leave to enclose, "(No. 2) was with a view of convincing her that "you readily assented to her being freed from "the restraints which had been imposed upon "her; and that your acquiescence in her suf-"ferings was a measure of necessity, to which "you were forced by her extraordinary con-"duct. I wished to make it appear, this was "a matter on which you directed me to consult "the Vizier's pleasure, that it might be known "you were the spring from whence she was "restored to her dignity and consequence."

On

women. He believed that they had done him some personal injury or other, of which he no where informs you. But, as you find that in the case of Cheit Sing, he considered his visit to General Clavering, as an horrid outrage against himself, which he never forgave, and revenged to the ruin of that miserable person; so you find that he has avowed the same malicious disposition towards the Begums, arising from some similar cause. In page 367 of your printed Minutes, he says, "I am sorry that I must in "truth add, that a part of the resentment of "the Begums was, as I had too much reason to "suspect, directed to myself personally. The "incidents which gave rise to it are too light "to be mixed with the professed subject and "occasion of this detail; and as they want the "authenticity of recorded evidence, I could lay "no claim to credit, in my relation of them. "At some period I may be induced to offer "them to the world, my ultimate and unerring "judges, both of that and of every other trait "in my political character."

My Lords, you have an anecdote here handed to you, which is the key of a great part of this transaction:—He had determined upon some deep and desperate revenge for some injury or affront of some kind or other, that he thought he had received from these people. He accuses them

such a man as Mr. Middleton. You have heard the audacious and insulting language he has held to them; his declining to correspond with them, and the mode of his doing it. There are, my Lords, things that embitter the bitterness of oppression itself—contumelious acts and language coming from persons, who the other day would have licked the dust under the feet of the lowest servants of these ladies, must have embittered their wrongs, and poisoned the very cup of malice itself.

O! but they deserved it.—They were concerned in a wicked outrageous rebellion: first, for expelling their own son from his dominions; and secondly, for expelling and extirpating the English nation out of India. Good God Almighty! my Lords, do you hear this?—Do you understand that the English nation had made themselves so odious, so particularly hateful, even to women, the most secluded from the world, that there was no crime, no mischief, no family destruction, through which they would not wade, for our extermination!—Is this a pleasant thing to hear of? Rebellion is, in all parts of the world, undoubtedly considered as a great misfortune—in some countries it must be considered as a presumption of some fault in government. *Nowhere is it boasted of as supply-*

a rebellion; but was this an unnatural rebellion? —A rebellion against usurped authority, to save the prince, his children, and state, from a set of vile usurpers.

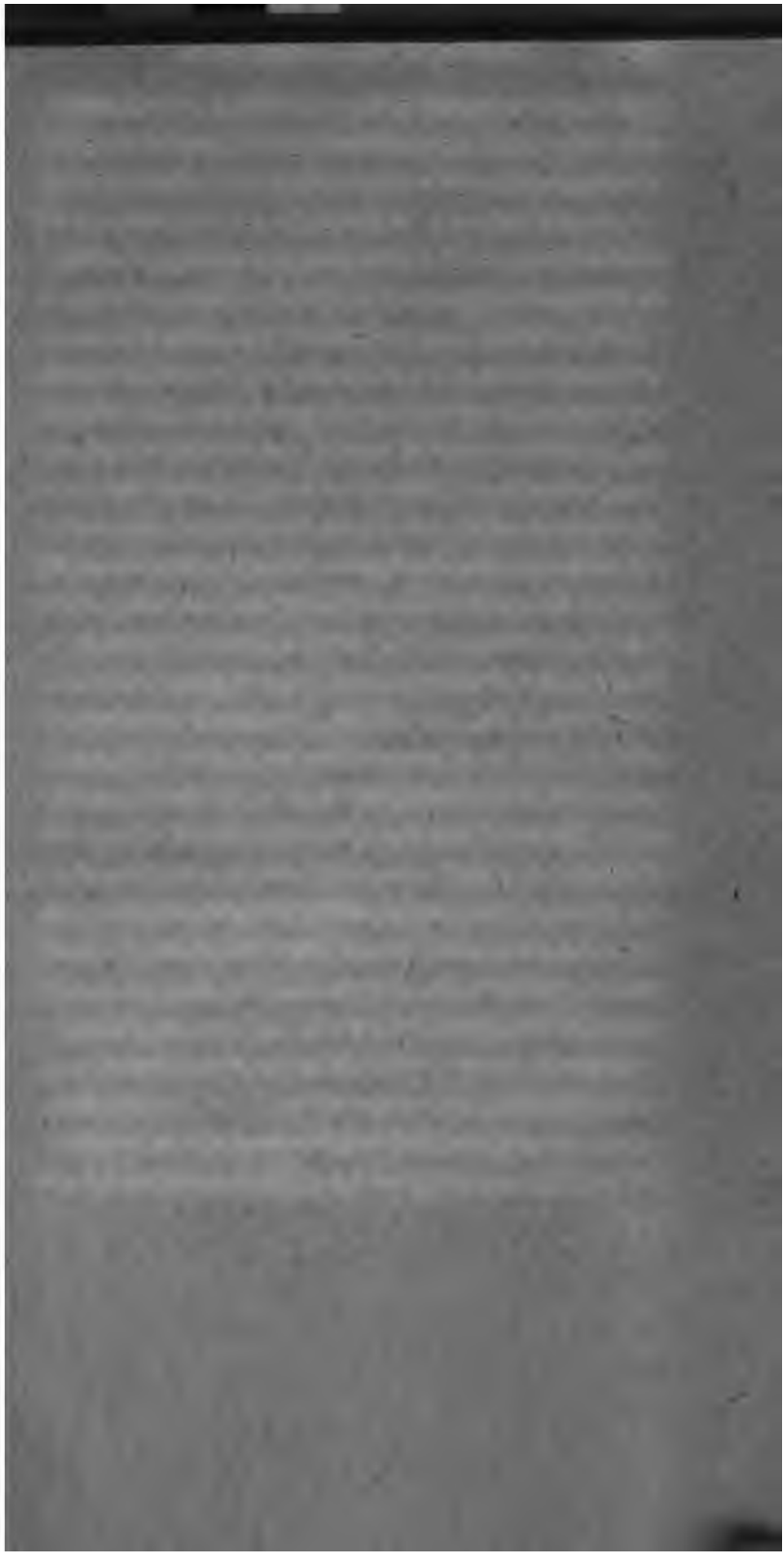
My Lords, I shall soon close our proceeding for this day; because I wish to leave this part of our Charge strongly and distinctly impressed upon your Lordships' memory, and because nothing can aggravate it. I shall next proceed, in the farther examination of the Prisoner's defence, to dissipate as I trust we have done, and as I hope we shall do, all the miserable stuff they have given by way of defence. I shall often have occasion to repeat and press upon your Lordships, that that miserable defence is a heavy aggravation of his crime. At present, I shall conclude; leaving this part of our Charge with the impression upon your Lordships' minds, that this pretended rebellion was merely an insurrection against the English, excited by their oppression. If the rebellion was against the Nabob, or if he was the author of the oppression which caused it, why do the English only appear to be concerned in both of them? How comes it that the Nabob never appears to have expressed any resentment against the rebels? We shall prove, beyond a doubt, that the Begums had nothing to do with it. There was, indeed, as I have already said, what may be called a

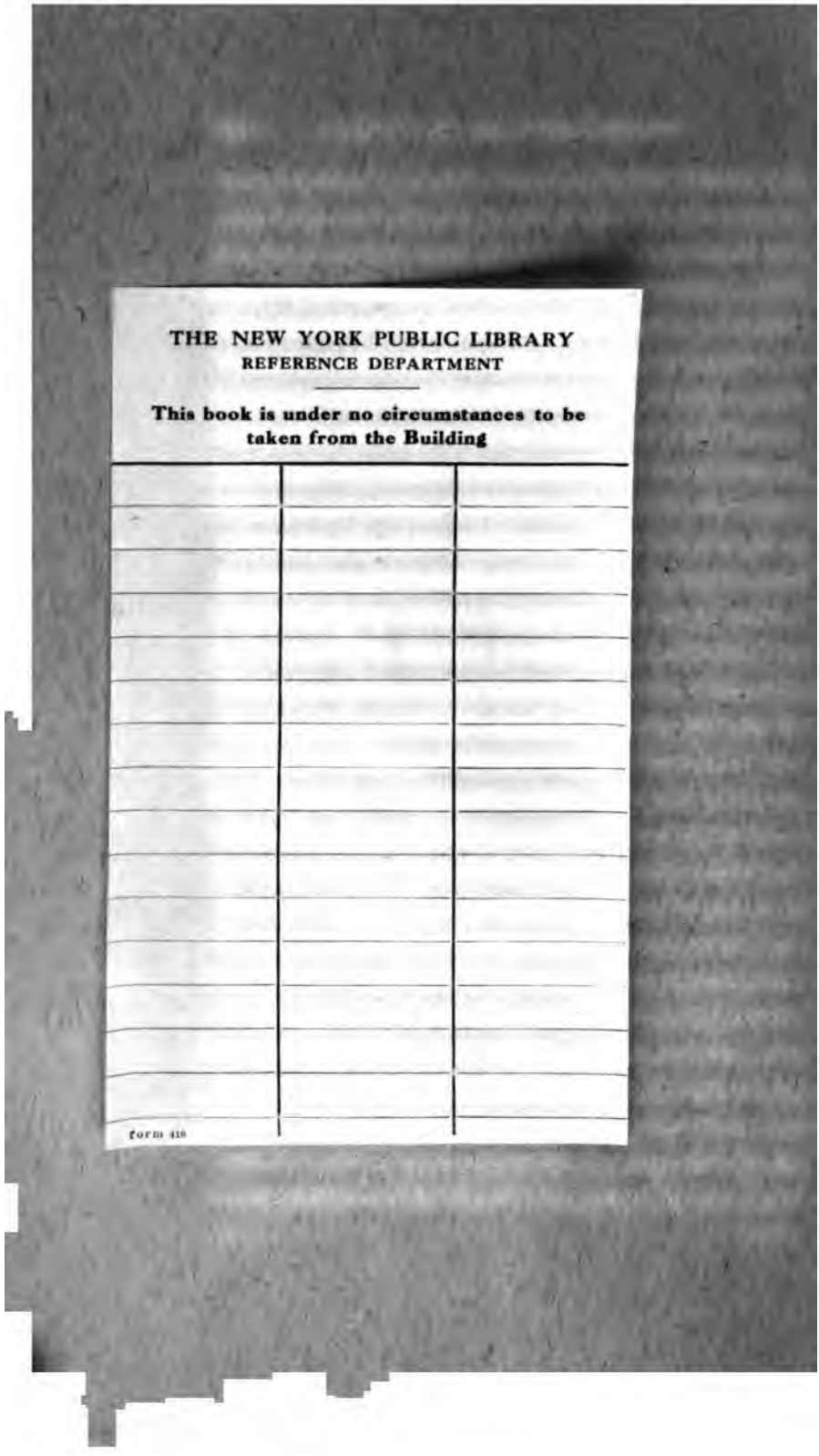
ever charge her with it? He surely must have been most anxious to prevent and suppress a rebellion against himself; but not one word on that subject has ever come out of his mouth;—nor has any one person been produced to shew that he was informed of the existence of such a rebellion. The persons said to be rebels, are his mother and grandmother; and I again ask, was there the least intimation given to him by Mr. Middleton, or by any other person, of their being even suspected of rebellion against him? There was, indeed, a hint of some rebellion, which the creatures of Mr. Hastings got at obliquely; but neither the person against whom the rebellion is supposed to exist, nor the persons who were said to be guilty of it, were ever either informed of, or charged with it. I defy the Prisoner, and his whole gang, to produce one word ever uttered by any one of them, from which the Nabob or Begums could learn that they were supposed to be concerned in the rebellion: so that none of those who were said to be the principal actors in the scene ever heard of the parts they were acting, from the actual authors and managers of the business. Not one word was uttered of a charge made, much less of proof given. Nothing was heard, but Give me the money—irons—new irons—new imprisonment; and at last the castle of Chunar. And here

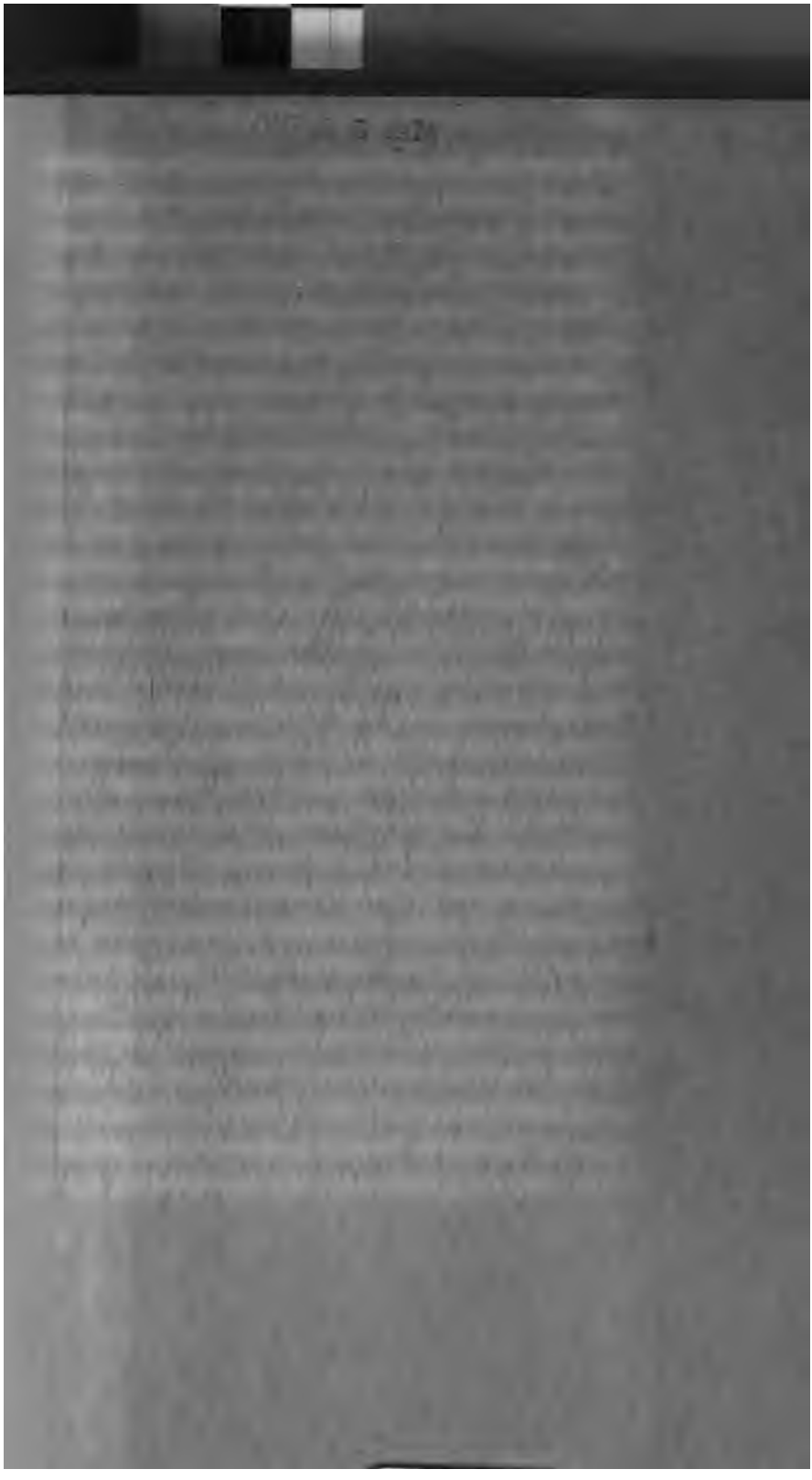
here I beg leave to pause, and to leave upon your minds the impression, first, of the wrong that was done, the violence, and the robbery; and secondly, of the pretences, both civil and criminal, by which they have attempted to justify their proceedings.

[Adjourned.

Luke Hansard & Sons,
near Lincoln's Inn Fields, London.




THE NEW YORK PUBLIC LIBRARY
REFERENCE DEPARTMENT

This book is under no circumstances to be taken from the Building

Form 419